United Nations

Report of the Committee on the Rights of the Child

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CONTENTS

		Paragraphs	*Page*
I.	CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS THIRTIETH TO THIRTY-FIFTH SESSIONS		5
	A. Organization of work: recommendation adopted at the thirtieth session		5
	B. Organization of work: recommendation adopted at the thirty-second session		6
	C. Organization of work: recommendation adopted at the thirty-fourth session		7
II.	ORGANIZATIONAL AND OTHER MATTERS	1 - 8	8
	A. States parties to the Convention	1 - 2	8
	B. Sessions of the Committee	3	8
	C. Membership and officers of the Committee	4 - 7	9
	D. Adoption of the report	8	9
III.	REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION	9 - 20	10
	A. Submission of reports	9 - 11	10
	B. Consideration of reports	12 - 13	10
	C. Progress achieved: trends and challenges of the implementation process	14 - 20	12
IV.	OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE	21 - 46	16
	A. Methods of work	21 - 32	16
	B. International cooperation and solidarity for the implementation of the Convention	33 - 41	18
	C. General thematic discussions	42 - 46	20

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CONTENTS (*continued*)

Annexes

Page

I. States which have ratified or acceded to the Convention on the Rights of the Child as at 1 February 2004 (192) 32

II. States which have signed (115), or ratified or acceded (69) to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as at 1 February 2004 38

III. States which have signed (108), or ratified or acceded (71) to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as at 1 February 2004 42

IV. Membership of the Committee on the Rights of the Child 46

V. States parties to the Convention and status of submission of reports under article 44 of the Convention, as at 29 March 2004 47

VI. States parties to the Convention and status of submission of reports under article 8, paragraph 1, of the Optional Protocol to the Convention on the involvement of children in armed conflict, as at 29 March 2004 74

VII. States parties to the Convention and status of submission of reports under article 12, paragraph 1, of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, as at 29 March 2004 78

VIII. General comment No. 2 (2002) - The role of independent national human rights institutions in the promotion and protection of the rights of the child 82

IX. General comment No. 3 (2003) - HIV/AIDS and the rights of the child 89

X. General comment No. 4 (2003) - Adolescent health and development in the context of the Convention on the Rights of the Child 102

XI. General comment No. 5 (2003) - General measures of implementation of the Convention on the Rights of the Child 114

I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS THIRTIETH TO THIRTY-FIFTH SESSIONS

A. Organization of work: recommendation adopted at the thirtieth session

The Committee on the Rights of the Child,

Noting with appreciation the exceptionally high number of States parties to the Convention on the Rights of the Child (191) and the rapid pace of ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (33), and the Optional Protocol on the involvement of children in armed conflict (33),

Welcoming the relatively high reporting rate for initial reports by States parties under the Convention on the Rights of the Child (167 out of 191),

Stressing the generally satisfactory quality of initial and periodic reports, as well as written responses to the list of issues, submitted by States parties under the Convention on the Rights of the Child,

Concerned about the workload of the Committee, including the forthcoming challenge generated by new reporting obligations under the two Optional Protocols,

Concerned in particular about the excessive length of some periodic reports submitted under the Convention,

1. *Decides* to review in the near future its guidelines for periodic reporting (CRC/C/58) in order to encourage States parties not to submit overly lengthy periodic reports;

2. *Requests* all States parties to the Convention to submit periodic reports that are concise, analytical and focus on key implementation issues, the length of which shall not exceed 120 standard pages;

3. *Also requests* all States parties to focus their periodic reports under the Convention in particular on two aspects of implementation aimed at:

(*a*) In the light of article 44 of the Convention, informing the Committee about progress made in the enjoyment of human rights by children, factors and difficulties affecting the degree of fulfilment of obligations under the Convention, and measures taken to implement the Committee's concluding observations - by explicitly referring to them - adopted with respect to the previous report of a State party and the ensuing dialogue;

(*b*) Informing the Committee about fundamental developments in the State party during the reporting period with regard to the human rights of children. In this regard, States parties should avoid repeating information already contained in previous reports submitted to the Committee, in the light of article 44, paragraph 3, of the Convention;

4. *Recommends* that, in addition to providing information on legislative developments and the situation de jure, States parties give due attention in their periodic reports to analysing the situation de facto in the State party, including information on concrete measures taken to enhance the implementation of domestic and international legal provisions and principles and, if any, related limitations and obstacles.

B. Organization of work: recommendation adopted at the thirty-second session

The Committee on the Rights of the Child,

Stressing the crucial importance of periodic reporting by States parties, in conformity with the obligations under article 44 of the Convention on the Rights of the Child, (a) within two years after the entry into force of the Convention for the State party concerned and (b) thereafter every five years,

Noting that many States parties have yet to submit their second periodic report under the Convention,

Acknowledging that at the time of the dialogue with the Committee States parties have updated the information they provided in their initial report in the written replies submitted to the list of issues,

Referring to its recommendation adopted at its twenty-ninth session (CRC/C/114, chap. I) concerning overdue reports and the one-time schedule proposed to States parties in order that they may catch up with the established periodicity in the following two situations:

(*a*) When the second periodic report is due within the year following the dialogue with the Committee;

(*b*) When the second periodic report is already due at the time of the dialogue and the third report is due two years or more after the dialogue with the State party,

Expressing the need to support States parties in an effort to ensure compliance with the strict time frame established by article 44, paragraph 1, of the Convention,

1. *Decides* to inform States parties in the related concluding observations adopted by the Committee of the deadline for the submission of their second and, where appropriate, following periodic reports;

2. *Decides*, therefore, to apply the following additional rule:

(*a*) When the second periodic report is due between one and two years following the dialogue with the Committee, the State party shall be requested to submit that report combined with the third one; however, in view of the large number of reports received by the Committee every year and the consequent lengthy time period between the date of submission of a State party report and its consideration by the Committee, the Committee urges the State party, in order to reduce that period, to submit its consolidated second and third report 18 months before its due date. This rule also applies, mutatis mutandis, when a similar situation occurs with the third and fourth periodic reports;

3. *Stresses* that these rules apply only as an exceptional measure, for one time only, in an attempt to provide an opportunity for a State party to respect the strict reporting periodicity foreseen in article 44, paragraph 1, of the Convention.

C. Organization of work: recommendation adopted at the thirty-fourth session

The Committee on the Rights of the Child,

Welcoming once again the rapid and unprecedented number of ratifications of and accessions to the Convention on the Rights of the Child of 1989, making it, with 192 States parties, the most widely accepted international human rights instrument,

Recalling that in accordance with article 44 of the Convention, States parties are requested periodically to submit reports to the Committee on the Rights of the Child for the purpose of examining progress made in achieving the realization of the obligations recognized under the Convention,

Noting with great concern that the Committee on the Rights of the Child is faced with an extremely heavy workload and a significant backlog of States parties' reports awaiting review, and that reports submitted cannot be considered by the Committee until approximately two years after their submission,

Aware that 13 initial reports and 100 second periodic reports are overdue,

Aware also that since the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict entered into force in 2002, States parties have begun to submit initial reports on the implementation of these protocols,

Recalling the approval by the General Assembly at its forty-ninth session of the Committee's recommendation adopted at its fifth session in January 1994 requesting the Assembly to increase the number of its annual sessions and pre-sessional working groups to enable the Committee to address its workload,

Recalling also that in January 2000, the Committee decided to consider the reports of 27, rather than 18, States parties annually, thereby increasing its workload by 50 per cent, in order to address the backlog of States parties' reports awaiting review,

Highlighting the fact that in order to rationalize its work and that of States parties, the Committee decided at its thirtieth session in 2002 to request all States parties to limit their periodic reports to 120 pages,

Welcoming the entry into force on 18 November 2002 of the amendment to article 43, paragraph 2, of the Convention increasing the membership of the Committee from 10 to 18 members,

Welcoming also the ongoing dialogue the Committee has established with States parties to the Convention on its working methods, including during its informal meeting with States parties in Geneva on 19 January 2003, *Recalling* the Secretary-General's emphasis, in his report on strengthening of the United Nations: an agenda for further change (A/57/387 and Corr.1), on the importance of continued efforts to modernize the human rights treaty system, and the General Assembly's call for streamlined reporting procedures contained in its resolution 57/300,

Convinced that fundamental reform of its working methods is required so that the Committee can consider States parties' reports in a timely manner,

1. *Decides* that beginning at its thirty-eighth session in January 2005, for an initial period of two years, it will consider the reports of States parties in two parallel chambers, each consisting of nine members of the Committee, taking due account of equitable geographical distribution, thereby increasing the number of States parties' reports to be examined from 27 to 48 a year;

2. *Requests* the General Assembly at its fifty-eighth session to approve the Committee's decision and to provide appropriate financial resources to enable the Committee to work in two chambers, beginning at the pre-sessional working group for its thirty-eighth session.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 30 January 2004, the closing date of the thirty-fifth session of the Committee on the Rights of the Child, there were 192 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

2. As at the same date, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified or acceded to by 69 States parties and signed by 115 States. The Optional Protocol entered into force on 12 February 2002. Also at the same date, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been ratified or acceded to by 71 States parties and signed by 108 States. It entered into force on 18 January 2002. The two Optional Protocols to the Convention were adopted by the General Assembly in resolution 54/263 of 25 May 2000 and opened for signature and ratification or accession in New York on 5 June 2000. A list of States that have signed, ratified or acceded to the two Optional Protocols is contained in annexes II and III to the present report.

B. Sessions of the Committee

3. The Committee has held six sessions since the adoption of its previous biennial report (A/57/41): thirtieth session (21 May-7 June 2002, 778th-804th meetings); thirty-first session (16 September-4 October 2002, 805th-833rd meetings); thirty-second session

(13-31 January 2003, 834th-862nd meetings); thirty-third session (19 May-6 June 2003, 863rd-889th meetings); thirty-fourth session (15 September-3 October 2003, 890th-918th meetings); thirty-fifth session (12-30 January 2004, 919th-946th meetings). The reports on the session are contained in documents CRC/C/118, CRC/C/121, CRC/C/124, CRC/C/132, CRC/C/133 and CRC/C/137, respectively.

C. Membership and officers of the Committee

4. On 18 November 2002, the amendment to article 43, paragraph 3, of the Convention increasing the membership of the Committee from 10 to 18 members (General Assembly resolution 50/155) entered into force. New members of the Committee were elected at the Ninth Meeting of States Parties, which took place on 10 February 2003 at United Nations Headquarters (see also paragraph 23 below).

5. In accordance with article 43 of the Convention, the Ninth Meeting of States Parties to the Convention was convened on 10 February 2003 at United Nations Headquarters. The following nine members of the Committee were elected or re-elected for a term of four years beginning on 28 February 2003: Mr. Jakob Egbert Doek, Mr. Kamel Filali, Ms. Moushira Khattab, Mr. Hatem Kotrane, Mr. Lothar Krappmann, Mr. Norberto Liwski, Ms. Rosa Maria Ortiz, Ms. Awa N'Deye Ouedraogo, and Ms. Marjorie Taylor. In accordance with article 43, paragraph 6, four members were elected for a term of two years: Ms. Joyce Aluoch, Ms. Yanghee Lee, Ms. Lucy Smith, Ms. Nevena Vuckovic-Sahovic. The list of the members of the Committee, with an indication of their term of office, appears in annex IV to the present report.

6. The officers who had been elected by the Committee at its twenty-seventh session continued to hold office from the thirtieth to the thirty-second sessions. They were Mr. Jakob Egbert Doek (Netherlands), Chairperson; Mrs. Amina El Guindi (Egypt), Mrs. Awa N'Deye Ouedraogo (Burkina Faso), and Mrs. Marilia Sardenberg (Brazil), Vice-Chairpersons; and Mrs. Judith Karp (Israel), Rapporteur.

7. At its 863rd meeting, held on 19 May 2003, the Committee elected the following officers for a term of two years in accordance with rule 16 of the provisional rules of procedure:

Chairperson:	Mr. Jakob Egbert Doek	(Netherlands)
Vice-Chairpersons:	Ms. Marilia Sardenberg	(Brazil)
	Ms. Joyce Aluoch	(Kenya)
	Ms. Saisuree Chutikul	(Thailand)
Rapporteur:	Ms. Moushira Khattab	(Egypt)

D. Adoption of the report

8. At its 945th meeting, held on 29 January 2004, the Committee considered the draft of its seventh biennial report to the General Assembly, covering its activities at the thirtieth to thirty-fifth sessions. The report was adopted unanimously by the Committee.

III. REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

9. The status of submission of reports by States parties under article 44 of the Convention and its two Optional Protocols as at 30 January 2004, the closing date of the thirty-fifth session of the Committee, appears in annex V to the present report.

10. As at 30 January 2004, the Committee had received 180 initial reports, 80 second periodic reports and 11 third periodic ones, amounting to a total of 271 reports received. A total of 226 reports had been examined by the Committee (171 initial and 55 second periodic). During the same period, the Committee received and examined one initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict.

11. During the period under consideration, the Committee received from a number of States parties (Spain, United Arab Emirates, Italy and Morocco) additional information submitted in accordance with the recommendations made by the Committee in its concluding observations, or transmitting information and views of States parties with respect to the observations made by the Committee (see CRC/C/121, paras. 19-20, CRC/C/132, para. 22 and CRC/C/15/Add.211.PART.2).

B. Consideration of reports

12. During its thirtieth to thirty-fifth sessions, the Committee considered the initial reports of the following 20 States parties: Brunei Darussalam, Eritrea, Estonia, Guinea-Bissau, Guyana, Haiti, Israel, Kazakhstan, Netherlands (Kingdom of the Netherlands - Netherlands Antilles and Aruba), Niger, Papua New Guinea, Republic of Moldova, San Marino, Seychelles, Singapore, Solomon Islands, Saint Vincent and the Grenadines, Switzerland, United Arab Emirates and Zambia. During the same period, the Committee also considered the second periodic reports of the following 35 States parties: Argentina, Armenia, Bangladesh, Belarus, Belgium, Burkina Faso, Canada, Cyprus, Czech Republic, Georgia, Germany, Iceland, India, Indonesia, Italy, Japan, Libyan Arab Jamahiriya, Jamaica, Madagascar, Morocco, Netherlands, New Zealand, Pakistan, Poland, Republic of Korea, Romania, Slovenia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Viet Nam. The Committee also examined the initial report of New Zealand under the Optional Protocol to the Convention on the involvement of children in armed conflict.

13. The following table indicates, by session, the States parties' reports considered by the Committee during the period covered by the present report. It further provides the document symbol of the session report in which the concluding observations of the Committee have been published, the symbols of States parties' reports considered by the Committee and the document symbol of the concluding observations published separately as a single document. An asterisk indicates a second periodic report and two asterisks an initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict.

Thirtieth session, 21 May-7 June 2002 (session report: CRC/C/118)

	State party report	Concluding observations
Guinea-Bissau	CRC/C/3/Add.63	CRC/C/15/Add.177
Belgium	CRC/C/83/Add.2	CRC/C/15/Add.178
Niger	CRC/C/3/Add.29/Rev.1	CRC/C/15/Add.179
Belarus*	CRC/C/65/Add.15	CRC/C/15/Add.180
Tunisia*	CRC/C/83/Add.1	CRC/C/15/Add.181
Switzerland	CRC/C/78/Add.3	CRC/C/15/Add.182
United Arab Emirates	CRC/C/78/Add.2	CRC/C/15/Add.183
Saint Vincent and the Grenadines	CRC/C/28/Add.18	CRC/C/15/Add.184
Spain*	CRC/C/70/Add.9	CRC/C/15/Add.185
Kingdom of the Netherlands (Netherlands Antilles)	CRC/C/61/Add.4	CRC/C/15/Add.186

Thirty-first session, 16 September-4 October 2002 (session report: CRC/C/121)

	State party report	Concluding observations
Argentina*	CRC/C/70/Add.10	CRC/C/15/Add.187
United Kingdom of Great Britain and Northern Ireland*	CRC/C/83/Add.3	CRC/C/15/Add.188
Seychelles	CRC/C/3/Add.64	CRC/C/15/Add.189
Sudan*	CRC/C/65/Add.17	CRC/C/15/Add.190
Ukraine*	CRC/C/70/Add.11	CRC/C/15/Add.191
Republic of Moldova	CRC/C/28/Add.19	CRC/C/15/Add.192
Burkina Faso*	CRC/C/65/Add.18	CRC/C/15/Add.193
Poland*	CRC/C/70/Add.12	CRC/C/15/Add.194
Israel	CRC/C/8/Add.44	CRC/C/15/Add.195

Thirty-second session, 13-31 January 2003 (session report: CRC/C/124)

	State party report	Concluding observations
Estonia	CRC/C/8/Add.45	CRC/C/15/Add.196
Republic of Korea*	CRC/C/70/Add.14	CRC/C/15/Add.197
Italy*	CRC/C/70/Add.13	CRC/C/15/Add.198
Romania*	CRC/C/65/Add.19	CRC/C/15/Add.199
Viet Nam*	CRC/C/65/Add.20	CRC/C/15/Add.200
Czech Republic*	CRC/C/83/Add.4	CRC/C/15/Add.201
Haiti	CRC/C/51/Add.7	CRC/C/15/Add.202
Iceland*	CRC/C/83/Add.5	CRC/C/15/Add.203

	State party report	Concluding observations
Thirty-third session, 19 May-6 June 2003 (session report: CRC/C/132)		
Eritrea	CRC/C/41/Add.12	CRC/C/15/Add.204
Cyprus*	CRC/C/70/Add.16	CRC/C/15/Add.205
Zambia	CRC/C/11/Add.25	CRC/C/15/Add.206
Sri Lanka*	CRC/C/70/Add.17	CRC/C/15/Add.207
Solomon Islands	CRC/C/51/Add.6	CRC/C/15/Add.208
Libyan Arab Jamahiriya*	CRC/C/93/Add.1	CRC/C/15/Add.209
Jamaica*	CRC/C/70/Add.15	CRC/C/15/Add.210
Morocco*	CRC/C/93/Add.3	CRC/C/15/Add.211
Syrian Arab Republic*	CRC/C/93/Add.2	CRC/C/15/Add.212
Kazakhstan	CRC/C/41/Add.13	CRC/C/15/Add.213
Thirty-fourth session, 15 September-3 October 2003 (session report: CRC/C/133)		
San Marino	CRC/C/8/Add.46	CRC/C/15/Add.214
Canada*	CRC/C/83/Add.6	CRC/C/15/Add.215
New Zealand*	CRC/C/93/Add.4	CRC/C/15/Add.216
New Zealand**	CRC/C/OPAC/NZL/1	CRC/C/OPAC/CO/2003/NZL
Pakistan*	CRC/C/65/Add.21	CRC/C/15/Add.217
Madagascar*	CRC/C/70/Add.18	CRC/C/15/Add.218
Brunei Darussalam	CRC/C/61/Add.5	CRC/C/15/Add.219
Singapore	CRC/C/51/Add.8	CRC/C/15/Add.220
Bangladesh*	CRC/C/65/Add.22	CRC/C/15/Add.221
Georgia*	CRC/C/104/Add.1	CRC/C/15/Add.222
Thirty-fifth session, 12 January-30 January 2004 (session report: CRC/C/137)		
Indonesia*	CRC/C/65/Add.23	CRC/C/15/Add.223
Guyana	CRC/C/8/Add.47	CRC/C/15/Add.224
Armenia*	CRC/C/93/Add.6	CRC/C/15/Add.225
Germany*	CRC/C/83/Add.7	CRC/C/15/Add.226
Kingdom of the Netherlands	CRC/C/117/Add.1	CRC/C/15/Add.227
(Netherlands* Aruba)	CRC/C/117/Add.2	
India*	CRC/C/93/Add.5	CRC/C/15/Add.228
Papua New Guinea	CRC/C/28/Add.20	CRC/C/15/Add.229
Slovenia*	CRC/C/70/Add.19	CRC/C/15/Add.230
Japan*	CRC/C/104/Add.2	CRC/C/15/Add.231

C. Progress achieved: trends and challenges of the implementation process

14. To assess achievements and challenges, as well as current trends in child rights, the Committee has decided to reflect in its biennial report its monitoring work undertaken during th period under review, with a particular focus on the administration of juvenile justice.

1. The human rights of children in conflict with the law, in particular their rights within the administration of justice

15. Since the beginning of its work in 1990, the Committee has placed great importance on the question of the human rights of children in conflict with the law, in particular their rights in the administration of justice. In addition to systematically bringing up juvenile justice issues when relevant in its work and dialogues with States parties, the Committee, inter alia, organized two days of general discussion in 1995 (on juvenile justice, see CRC/C/46) and 2000 (State violence against children, see CRC/C/100). It also adopted a recommendation on the issue of juvenile justice in 1998 (see CRC/C/90).

16. In the period covered by the present report, the Committee examined 55 reports (see para. 12) and has observed the following.

(a) Achievements

17. The Committee has noted that during the reporting period a number of States parties have taken positive measures to implement previous recommendations of the Committee in the field of juvenile justice in order to bring their legislation, policies, programmes and juvenile justice systems into line with the requirements of the Convention on the Rights of the Child and other key international instruments, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. These achievements include:

(a) The establishment of laws, procedures, authorities and institutions specifically applicable to persons under 18 years old alleged to have infringed the penal law or accused of or recognized as having done so. In particular, the Committee noted with satisfaction that a number of States parties have established specific juvenile courts and appointed juvenile judges;

(b) The Committee has noted that some States parties have enhanced their efforts to establish or reinforce existing data collection systems in the field of children in conflict with the law, with specific efforts to cover all persons under 18 years old and to disaggregate data by gender, age and origin;

(c) The Committee has further noted that some States parties have taken legislative steps to raise the minimum age of criminal responsibility in their domestic legislation, in order to implement the Committee's recommendation;

(d) The promotion of alternative measures and sanctions to deal with children in conflict with the law without resorting to judicial proceedings, as specified in article 40 (3) (b) of the Convention, is a crucial step that the Committee has seen with great satisfaction being developed in some States parties during the reporting period;

(e) Legislative review and policy measures have been undertaken in some States parties in order to limit the length of pre-trial detention of persons under 18 and to use this form of detention only as a measure of last resort;

(f) Finally, the Committee noted with satisfaction that quite a number of States parties have undertaken training and awareness-raising activities with regard to judges, magistrates, lawyers or members of other legal or paralegal professions, law enforcement personnel and various categories of personnel working or involved in detention centres.

(b) Challenges and areas of concern

18. Despite fragmented achievements identified above, the Committee notes with grave concern that in general the situation of children in conflict with the law remains of concern in most of the 55 States parties whose reports were considered during the period under review. Implementation of the relevant provisions and principles of the Convention on the Rights of the Child and other key related international instruments is not satisfactory; many States still favour repressive measures over the preventive ones foreseen in the Convention that promote "the child's sense of dignity and worth" and take into account "the desirability of promoting the child's reintegration and the child's assuming a constructive role in society" (art. 40, para. 1). The following issues of concern have been identified by the Committee during the reporting period:

(a) The fact that in a large number of States penal law, and in particular customary and/or traditional systems of justice, are not fully compatible with the provisions and principles of the Convention and other relevant international standards;

(b) The absence or insufficient number of juvenile courts and specialized juvenile judges, psychologists, probation officers and social workers and the lack of an integrated multidisciplinary juvenile justice system;

(c) The persistence of discriminatory attitudes and measures against some groups of children within the administration of justice, including against boys belonging to indigenous or minority groups, those living in poverty, and those who have dropped out of the educational system;

(d) The absence or inadequacy of mechanisms to collect disaggregated (by age, sex, origin, etc.) data relating to children in conflict with the law, such as statistics on arrests, judicial decisions, detentions, etc;

(e) The low minimum ages of criminal responsibility in quite a number of States parties;

(f) The fact that in many States parties persons under 18 can - as a rule or as an exception - be treated and sentenced as adults; sanctions that allow capital punishment and life imprisonment without possibility of release to be imposed against persons who committed an offence before the age of 18;

(g) The fact that the arrest, detention and imprisonment of children are not systematically used only as a measure of last resort and for the shortest appropriate period of time, and the lack of insufficient alternatives to deprivation of liberty;

(h) The weak measures of protection for children in conflict with the law with regard to torture or other cruel, inhuman or degrading treatment or punishment; in this regard, the Committee has identified a pattern of child rights violations in many countries whose penal law permits the use of corporal punishments, such as flogging and whipping;

(i) The rare provision of assistance to children alleged to have infringed the penal law or accused of or recognized as having done so, especially with regard to legal and other appropriate assistance, and, when necessary, to the free assistance of an interpreter;

(j) The poor conditions of detention, including overcrowding and very poor sanitary conditions, and the absence of or inadequate provision of education, health and other basic social services for children living in detention;

(k) The fact that in many States children deprived of liberty are not separated from adults;

(l) The poor consideration given to the specific needs of girls in conflict with the law;

(m) The limited number of specialized qualified personnel working in detention centres for persons under 18;

(n) The abusive use of (often lengthy) pre-trial detention and the conditions thereof, the use of solitary confinement, and the weak or lax monitoring mechanisms within police and detention centres and the general lack of efficient individual complaint mechanisms within these centres;

(o) The lengthy delays in adjudication and the failure to guarantee prompt decisions;

(p) The absence of or limited respect for the right to challenge the legality of deprivation of liberty;

(q) The generally limited use of measures not resorting to judicial proceedings for children alleged to have infringed the penal law, or accused of or recognized as having done so;

(r) The arrest and detention for status offences (e.g. vagrancy laws) of children, who should instead receive special protection from the State, like other children deprived of a family environment;

(s) Insufficient legal protection and human and financial resources allocated to ensuring the rights to physical and psychological recovery and social reintegration for children who have infringed the penal law.

19. The Committee reiterates the importance given in the Convention on the Rights of the Child (especially in its article 4) to international cooperation in assisting in its implementation, including in the field of children in conflict with the law. In this regard, the Committee has, when appropriate, recommended that the United Nations system, including the United Nations Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights and UNICEF, and/or relevant other organizations, provide technical advice

and assistance in this field. The Committee takes further note of the positive work of the United Nations coordination panel on technical advice and assistance in juvenile justice established pursuant to Economic and Social Council resolution 1997/30, which held its third and fourth meetings during 2002 and 2004, respectively. The Committee also welcomes the efforts undertaken by UNICEF since 2003 to develop a set of indicators in the field of juvenile justice.

20. During the period under review, and in light of the developments referred to above, the Committee started the process of drafting a general comment on fundamental principles to be applied in the administration of juvenile justice.

IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE

A. Methods of work

1. Reporting process

21. At its twenty-ninth session (see CRC/C/114, para. 561), the Committee decided to send a letter to all States parties whose initial reports were due in 1992 and 1993, requesting them to submit that report within one year. Should they not report within one year, the Committee would consider the situation of child rights in the State in the absence of the initial report, as foreseen in the Committee's "Overview of the reporting procedures" (CRC/C/33, paras. 29-32) and in light of rule 67 of the Committee's provisional rules of procedure (CRC/C/4). In this regard, as at 1 November 2003, the Committee had received the initial reports of Dominica, Guyana, Sao Tome and Principe, and the Bahamas. In letters sent on 30 June 2003 to the Governments of Angola and Brazil, the Committee again requested that they submit their initial reports, before 15 November 2003, and reiterated its position that it would consider during 2004 the situation of child rights in those State parties, even in the absence of the initial report. Both reports were received by 1 April 2004.

22. At its thirty-third session, the Committee decided to send a letter to all States parties whose initial reports were due in 1994 (Albania, Bosnia and Herzegovina, and Equatorial Guinea), requesting them to submit that report within one year. Should they not report within one year the Committee would consider the situation of child rights in the State party in the absence of the initial report. As at 1 April 2004, the Committee had received the initial reports of Albania and Equatorial Guinea.

2. Amendment to article 43, paragraph 2 of the Convention

23. In December 1995 the General Assembly, in its resolution 50/155, approved the amendment adopted by the States parties to the Convention to article 43, paragraph 2, of the Convention on the Rights of the Child to increase the membership of the Committee on the Rights of the Child from 10 to 18 members. Such an increase was considered crucial given the extremely heavy workload of the Committee, mainly as a result of the very encouraging high number of ratifications.

24. During the reporting period, the Committee, OHCHR and UNICEF actively encouraged States parties to facilitate the acceptance of the proposed amendment in their country and to

submit their instrument of notification to the Secretary-General (see CRC/C/121, para. 21). In accordance with article 50, paragraph 2, of the Convention, the amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of States parties (128 out of 191). (See also paragraph 4.)

3. Recommendation to work with a two-chambers system

25. In an effort to address the backlog of reports awaiting review, in 2000, the Committee decided to consider the reports of 9 States parties at each session (instead of 6), so that it would consider the reports of 27 States parties annually (instead of 18). Despite this measure, the backlog of reports awaiting review by the Committee has continued to rise, and as at 1 May 2004, 49 reports which had been submitted had not been considered by the Committee. As a result of this backlog, the time between submission and consideration has increased to two years. This delay is likely to increase as reports required by the Optional Protocols, which at 1 May 2004 had each been ratified or acceded to by 71 States parties, are submitted.

26. Taking account of the increase in membership of the Committee from 10 to 18 and the fact the amendment to the Convention on this matter sought to increase the capacity of the Committee to deal with its growing workload, and after discussing various options during its thirty-fourth session, the Committee adopted a recommendation that, for an initial period of two years, reports submitted by States parties be reviewed by two parallel chambers of the Committee, each consisting of nine members (see chap. I). Each chamber would be constituted randomly, although the need for equitable geographical distribution and representation of the principal legal systems would be taken into account. The Committee's experience of working in two chambers would be assessed after the two-year period.

27. In reaching the decision to put forward this recommendation, the Committee took account of the need to reduce the number of reports awaiting review, the importance of timely consideration of States parties reports, and of the introduction of strategies to encourage States parties to report. Currently, 12 States parties have yet to submit their initial reports, and a little over 100 States parties have not submitted their second reports on time. Implementation of the Committee's recommendation will allow it to consider the reports of 48 States parties annually, which would have significant impact on the current backlog of reports to be reviewed.

4. Informal consultations with States parties

28. On 29 January 2003, at its thirty-second session (858th meeting), the Committee held an informal meeting with States parties to the Convention. Representatives of 75 States parties took part in an interactive dialogue with the Committee. The reporting process under the Convention, including under the two Optional Protocols, the implications of the increase of the membership of the Committee and the Secretary-General's treaty body reform proposals (see A/57/387) were the main issues discussed.

29. On 23 January 2004, at the thirty-fifth session (936th meeting), the Committee held an informal meeting in which 60 States parties took part. Four main issues were discussed: the revision of the Committee's guidelines for periodic reporting; the Committee's proposed two-chamber working method; working methods for the consideration of initial reports under the two Optional Protocols to the Convention; and the United Nations study on violence against children.

5. General comments

30. During the period under review, the Committee adopted the following four general comments (see annexes VIII, IX, X, and XI respectively):

- General comment No. 2 - The role of independent national human rights institutions in the promotion and protection of the rights of the child
- General comment No. 3 - HIV/AIDS and the rights of the child
- General comment No. 4 - Adolescent health and development in the context of the Convention on the Rights of the Child
- General comment No. 5 - General measures of implementation for the Convention on the Rights of the Child.

31. As is its practice, the Committee involved other relevant United Nations human rights treaty bodies and mechanisms, United Nations agencies and bodies, non-governmental organizations and individual experts in the process of drafting these general comments.

6. Induction meeting

32. On 15 and 16 May 2003, OHCHR organized a two-day informal induction meeting to give the 10 newly elected members a chance to familiarize themselves with the working methods and procedures of the Committee. Other members of the Committee also participated in the meeting.

B. International cooperation and solidarity for the implementation of the Convention

1. Cooperation with United Nations and other competent bodies

33. During the period covered by the present report, the Committee pursued its cooperation with United Nations bodies, specialized agencies and other competent bodies.

34. The Committee held meetings with the following United Nations agencies and bodies and other competent bodies (the documents referred to in parentheses contain detailed information on these meetings):

United Nations bodies and agencies

UNICEF (CRC/C/124, para. 505; CRC/C/132, para. 663)

UNHCR (see CRC/C/137)

World Health Organization (CRC/C/118, para. 601)

Non-governmental organizations

Save the Children-UK (CRC/C/124, para. 507)

Catholics for a Free Choice (CRC/C/124, para. 506)

International Save the Children Alliance (CRC/C/132, para. 660)

NGO Group for the Convention on the Rights of the Child (CRC/C/132, para. 663)

Rights of Disabled Children (CRC/C/133, para. 605)

Defence for Children International, Youth Group from Japan (see CRC/C/137)

Others

Youth Group from the United Kingdom (CRC/C/121, para. 626)

The Hague Conference on Private International Law (CRC/C/121, para. 627)

International Institute for Child Rights and Development, University of Victoria, Canada (CRC/C/133, para. 606)

35. The Committee also held meetings with experts from the following other United Nations human rights mechanisms:

Working Group on Contemporary Forms of Slavery (CRC/C/118, para. 602)

Special Rapporteur on violence against women, its causes and consequences (CRC/C/133, para. 604, CRC/C/111, para. 670)

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (CRC/C/121, paras. 628, CRC/C/132, para. 662)

Special Rapporteur on the right to education (see CRC/C/137).

36. The Chairperson of the Committee participated in the fourteenth and fifteenth meetings of persons chairing the human rights treaty bodies. Three members of the Committee also participated in the first and second inter-committee meetings (held in June 2002 and 2003).

2. Participation in United Nations and other relevant meetings

37. The Committee was represented at a number of meetings relevant to its activities, including:

Third and fourth meetings of the United Nations coordination panel on technical advice and assistance in juvenile justice (CRC/C/121, paras. 654-659)

General Assembly Special Session on Children

Fifty-eighth and fifty-ninth sessions of the Commission on Human Rights

Meeting on reform of the human rights treaty body system (Malbuin, Liechtenstein, 4-7 May 2003).

38. Committee members also participated in a variety of meetings at the international, regional and national levels where issues relevant to the rights of the child were raised.

3. Other related activities

39. On 15 August 2003, members of the Committee from the Latin American region met with representatives of the Inter-American Children's Institute in Montevideo. Discussions and work focused on ways to enhance future cooperation between the two bodies, especially with regard to the Convention's reporting process and follow-up of the recommendations of the Committee. The Committee also established initial working contacts with the Inter-American Development Bank, based in Washington, DC.

40. On 12 and 13 September 2003 OHCHR and UNICEF organized a workshop for five members of the Committee from the Arab region. The Chairperson, Mr. Doek, also attended this workshop which aimed at providing the Committee's input to the January 2004 High-Level Meeting on Children organized by the Arab League in Tunis, and at discussing reservations to the Convention on the Rights of the Child.

41. From 17 to 19 December 2003, OHCHR, with the support of UNICEF and UNDP, organized a workshop in Damascus on the implementation of the concluding observations of the Committee. The workshop was hosted by the Government of the Syrian Arab Republic and attended by participants from Jordan, Lebanon and Syria, representatives of United Nations bodies and the League of Arab States, and six members of the Committee.

C. General thematic discussions

1. The private sector* as service provider and its role in implementing child rights

42. On 20 September 2002, the Committee held a day of general discussion on the theme "The private sector as service provider and its role in implementing child rights".

43. Despite numerous references to the responsibilities of States parties to international human rights treaties vis-à-vis private sector activities, the Committee noted that the implementation of the rights guaranteed in the Convention was often impeded by the inability or unwillingness of States to adopt measures under article 4 to ensure respect for the provisions of the Convention by actors in the private sphere. It therefore considered it useful to explore possibilities for guiding both private actors and Governments in the implementation of the Convention by private actors involved in the provision of services that have traditionally been provided by States parties and fall within the realm of their obligations under the Convention.

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* In this context, the private sector encompasses businesses, non-governmental organizations and other profit-making and non-profit-making private associations.

44. The main objectives of the day of general discussion therefore were:

(a) To explore different types of public-private partnerships in services of particular relevance to the implementation of the Convention and to assess their direct and indirect, positive and negative impact on the full realization of the rights of the child;

(b) To specify the obligations of States parties in the context of privatization and/or private sector funding in terms of positive obligations, ensuring non-discrimination with regard to access, equitable and affordable access, especially for marginalized groups, as well as assuring quality and sustainability of service provision;

(c) To identify and strengthen awareness of the responsibilities and obligations of private service providers, both for profit and not for profit, under the Convention;

(d) To assess the implications of private sector involvement in service provision for governance issues, in particular participation, accountability, transparency and independence;

(e) To identify possible models of implementation for States parties with regard to private actors and to develop guidelines which would include standard-setting for private service providers, as well as monitoring and regulation by States parties and accountability of organizations in the private sector.

45. A summary of the discussion is contained in the report of the thirty-first session (CRC/C/121, paras. 631-652). At the conclusion of the discussion, the Committee adopted the following recommendations:

> **Legal obligations**
>
> 1. The Committee recognizes that States parties to the Convention on the Rights of the Child have the primary responsibility for compliance with its provisions with regard to all persons within its jurisdiction. They have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-State service providers operate in accordance with its provisions, thus creating indirect obligations on such actors. The State continues to be bound by its obligations under the treaty, even when the provision of services is delegated to non-State actors.
>
> 2. Under article 4 of the Convention, States parties have an obligation to undertake all appropriate legislative, administrative and other measures for the implementation of the rights in the Convention and to devote the maximum amount of available resources to the realization of economic, social and cultural rights of the child. The obligations under article 4 remain even when States rely on non-State service providers.
>
> 3. The Committee would like to re-emphasize that, in accordance with article 3 of the Convention, "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (para. 1) and that "States parties shall ensure that institutions, services and facilities responsible for the care

or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision" (para. 3). Thus, article 3 clearly establishes the obligation of the State party to set standards in conformity with the Convention and to ensure compliance by appropriate monitoring of institutions, services and facilities, both public and private.

4. Likewise, the general principle of non-discrimination as enshrined in article 2, as well as the right to life and to maximum survival and development (art. 6), assume particular importance in the context of the current debate, with the State party equally being obliged to create standards consistent and in conformity with the Convention. For instance, privatization measures may have a particular impact on the right to health (art. 24), and the right to education (arts. 28 and 29), and States parties have the obligation to ensure that privatization does not threaten accessibility to services on the basis of criteria prohibited, especially under the principle of non-discrimination. Such obligations of the State party are also applicable in the context of article 4.

5. Furthermore, article 25 of the Convention specifically calls for a periodic review of the treatment and the circumstances of children who have been placed by the authorities for the purpose of care, protection or treatment of their health, including private facilities, thus establishing obligations for the State party for the setting of standards and monitoring vis-à-vis the private sector.

6. The Committee recognizes that responsibilities to respect and ensure the rights of children extend beyond the State to include individuals, parents, legal guardians, and other non-State actors. In this context, the Committee refers to general comment No. 14 of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health, paragraph 42 of which states that "While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society - individuals, including health professionals, families, local communities, intergovernmental and non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities regarding the realization of the right to health. States parties should therefore provide an environment which facilitates the discharge of these responsibilities."

7. In the context of its reporting obligations, the State party should specify the amount and proportion of the State budget spent on children through public and private institutions or organizations in order to evaluate the impact of the expenditure in terms of the accessibility, the quality and the effectiveness of the services provided to children in the various sectors, and should include such information in its initial and periodic reports.

Recommendations to States parties

8. The Committee recommends that States parties take appropriate legislative measures and establish a permanent monitoring mechanism aimed at ensuring that non-State service providers respect the relevant principles and provisions of the Convention, especially article 4. In particular, all service providers must incorporate and apply to their programmes and services all the relevant provisions of the Convention,

as well as each of the four general principles set out in the provisions concerning non discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12). Particular importance should also be attached to the principle of child participation, as stipulated in articles 12 to 17, with regard to service provision. The Committee recommends that States parties regularly evaluate services provided by non-State service providers - irrespective of whether the service has been specifically contracted by the State - in terms of availability, accessibility, acceptability and quality and overall compliance with the Convention and condition funding on, inter alia, compliance with the Convention. (Note: The Committee defines accessibility in the same manner as the Committee on Economic, Social and Cultural Rights in its general comment No. 14, that is non-discrimination, physical accessibility, economic accessibility and information accessibility.)

9. The Committee further encourages all Governments to ensure that for all service sectors, beneficiaries, in particular children, have access to an independent monitoring body and, where appropriate, judicial recourse, that can ensure the implementation of their rights and provide them with effective remedies in case of violations.

10. Furthermore, the Committee recommends that States parties provide a supportive and protective environment which enables non-State actors providing services to children whether or not for profit to continue to do so in full compliance with the Convention.

11. The Committee recommends that States parties, when considering contracting out services to an international or local non-State provider, whether or not for profit, undertake a comprehensive and transparent assessment of the political, financial and economic implications and the possible limitations on the rights of beneficiaries in general and children in particular. Such assessments should determine in particular the manner in which the availability, accessibility, acceptability and quality of the services will be affected. Similar assessments should also be undertaken for services provided by non-State providers that may not have been specifically contracted by States parties.

12. In order to ensure that assessments adequately address both financial and non-financial issues, the Committee recommends that such assessments include the Ministries of Health, Education, Justice, Social Welfare, Finance and other relevant ministries, as well as any mechanism for the coordination of policy on children, Ombudspersons or national human rights institutions, non-governmental organizations, corporations and other relevant civil society actors. Furthermore, the Committee recommends that States parties also facilitate the participation of the local communities using the services in the assessment process, with a particular focus on children, families and vulnerable groups.

13. The Committee further recommends that States parties undertake assessments of the potential impact of global trade policies concerning the liberalization of trade in services on the enjoyment of human rights, including children's rights. In particular, the Committee recommends that these assessments be undertaken prior to making commitments to liberalize services within the context of WTO or regional trade

agreements. Furthermore, if commitments to liberalize trade in services are made, the effects of such commitments on the enjoyment by children of their rights should be monitored and the results of monitoring included in the States parties reports to the Committee.

14. The Committee recommends that States parties, when privatizing or contracting out services to non-State actors, enter into detailed agreements with the service providers and ensure independent monitoring of implementation as well as transparency of the entire process, so as to contribute to the process of accountability. States parties are encouraged to seek technical assistance, as required, in order to build their capacity to enter into and monitor the implementation of the relevant collaboration and partnership agreements.

15. The Committee also reminds States parties of its previous recommendations adopted on the day of the commemorative meeting of the tenth anniversary of the Convention, in which the Committee recommended that "in any decentralization or privatization process, the Government retains clear responsibility and capacity for ensuring respect of its obligations under the Convention".

Recommendations to non-State service providers

16. The Committee calls on all non-State service providers to respect the principles and provisions of the Convention on the Rights of the Child. It further recommends that all non-State service providers take into account the provisions of the Convention when conceptualizing, implementing and evaluating their programmes, including when subcontracting other non-State service providers, in particular the four general principles set out in the provisions concerning non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12).

17. To that end, the Committee encourages non-State service providers to ensure that service provision is carried out in accordance with international standards, especially those of the Convention. It further encourages non-State service providers to develop self-regulation mechanisms which would include a system of checks and balances. To that end, the Committee recommends that, when developing self-regulation mechanisms, the following criteria be included in the process:

(i) The adoption of a code of ethics, or similar document, which should reflect the principles of the Convention and which should be developed jointly by the various stakeholders and in which the four general principles of the Convention should figure prominently;

(ii) The establishment of a system for monitoring the implementation of such a code, if possible by independent experts, as well as the development of a system of transparent reporting;

(iii) The development of indicators/benchmarks as a prerequisite for measuring progress and establishing accountability;

(iv) The inclusion of a system enabling the various partners to challenge each other regarding their respective performance in implementing the code;

(v) The development of an effective complaints mechanism with a view to rendering self-regulation more accountable, including to beneficiaries, particularly in the light of the general principle that provides for the right of the child to express his or her views freely and have those views be given due weight in accordance with the age and maturity of the child (art. 12).

18. Furthermore, the Committee encourages non-State service providers, particularly for profit service providers, as well as the media, to engage in a continuing process of dialogue and consultation with the communities they serve and to create alliances and partnerships with the various stakeholders and beneficiaries in order to enhance transparency and involve community groups in decision-making processes and, where appropriate, in service provision itself. Service providers should collaborate with communities, particularly in remote areas, or with communities composed of minority groups, in order to ensure that services are provided in compliance with the Convention, and in particular in a manner that is culturally appropriate and in which availability, accessibility and quality are guaranteed for all.

General recommendations

19. The Committee recommends that States parties, intergovernmental organizations civil society organizations as well as all types of non-State service providers, continue to review experiences in relation to service provision, consider best practices and access the impact of the different types of providers in specific service sectors on children's rights.

20. The Committee encourages all international organizations or donors providing services or financial support to service providers, particularly in complex emergencies or politically unstable situations, to act in compliance with the provisions of the Convention and to ensure compliance by their partners delivering the services. In particular, organizations and donors providing financial support to service deliverers should regularly evaluate the services provided in terms of availability, accessibility, adaptability and quality and ensure that all beneficiaries, in particular children and their families, have access to remedies.

21. The Committee recommends that policies and programmes for service provision, undertaken as part of economic or fiscal reforms initiated at the national level or called for by international financial institutions, do not in any way compromise the possibility of public or non-State service provision. The Committee further encourages States parties and the International Monetary Fund, the World Bank and regional financial institutions or banks to take fully into account the rights of children, as enshrined in the Convention and other relevant international instruments when negotiating loans or programmes.

22. While emphasizing the importance of good governance and intersectoral transparency, the Committee is aware of the risk of corruption inherent in the privatization process and therefore recommends that States parties effectively address such risk when contracting out services to non-State providers. In this regard, the Committee also recommends that States parties take measures to prevent the establishment of monopolies by non-State service providers.

23. The Committee further recommends that, in order to ensure economic accessibility, policies on services, in particular health care and education services, be so formulated as to reduce the financial burden on low-income groups, particularly the poor, for example by reducing and eliminating user fees for those groups that cannot afford them, especially the poor. This can be done either by introducing alternative pre-payment mechanisms, such as national insurance or general taxation, or by introducing non-discretionary, equitable and non-stigmatizing measures to reduce user fees for such groups.

24. The Committee welcomes the work of the special rapporteurs of the Commission on Human Rights and treaty bodies in exploring the impact of service provision by the private sector on human rights, and encourages all international human rights mechanisms and procedures, in particular other treaty bodies and the Special Rapporteurs on housing, health and education, to explore further such impact.

25. It has further been suggested that the Committee on the Rights of the Child elaborate a model statement for non-State actors so as to encourage and facilitate their work in formulating commitments to respect the rights of the child, as enshrined in the Convention, irrespective of their relationship with the State and whether or not they seek profit.

2. The rights of indigenous children

46. On 19 September 2003, the Committee held a day of general discussion on the theme "The rights of indigenous children". A summary of the discussion is contained in the report of the thirty-fourth session (CRC/C/133, paras. 611-623). At the end of the discussion, the Committee adopted the following recommendations, which do not pretend to be exhaustive, but rather pertain specifically to those issues discussed during the day of general discussion:

The Committee on the Rights of the Child,

Recalling that articles 30, 17 (d) and 29.1 (c) and (d) of the Convention on the Rights of the Child are the only provisions of an international human rights instrument that explicitly recognize indigenous children as rights-holders,

In light of the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people pertaining to children, contained in his annual and mission reports to the Commission on Human Rights, *Following* the request of the Permanent Forum on Indigenous Issues to the Committee on the Rights of the Child to hold a day of general discussion on the rights of indigenous children in order to promote greater awareness of the rights of indigenous children (E/2002/43 (Part I)-E/CN.19/2002/3 (Part I)), and in light of the Permanent Forum's recommendations on the rights of indigenous children, adopted during its first two sessions in 2002 and 2003,

In view of the International Decade of the World's Indigenous People 1994-2004,

Taking into account the International Labour Organization's Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries,

Recognizing the ongoing work of the open-ended intersessional working group on the draft United Nations declaration on the rights of indigenous peoples and of the Working Group on Indigenous Populations regarding issues such as self-determination, land rights and other collective rights,

Noting that, although indigenous children are disproportionately affected by specific challenges, such as institutionalization, urbanization, drug and alcohol abuse, trafficking, armed conflict, sexual exploitation and child labour, they are not sufficiently taken into consideration in the development and implementation of policies and programmes for children,

I. GENERAL

1. *Strongly recalls* the obligations of States parties under articles 2 and 30 of the Convention on the Rights of the Child to promote and protect the human rights of all indigenous children;

2. *Reaffirms its commitment* to promote and protect the human rights of indigenous children by addressing more systematically the situation of indigenous children under all relevant provisions and principles of the Convention when periodically reviewing State party reports;

3. *Calls on* States parties, specialized agencies, funds and programmes of the United Nations, the World Bank and regional development banks, and civil society to adopt a broader rights-based approach to indigenous children based on the Convention and other relevant international standards such as International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and encourages the use of community-based interventions in order to ensure the greatest possible sensitivity to the cultural specificity of the affected community. Particular attention should also be paid to the variety of situations and conditions in which children live;

4. *Acknowledges* that, as stated in the Human Rights Committee's general comment No. 23 (1994) on the rights of minorities and in International Labour Organization Convention No. 169, the enjoyment of the rights under article 30 of the Convention on the Rights of the Child, in particular the right to enjoy one's culture, may consist in a way of life which is closely associated with territory and use of its resources. This may particularly be true of members of indigenous communities constituting a minority;

II. INFORMATION, DATA AND STATISTICS

5. *Requests* States parties, specialized agencies, funds and programmes of the United Nations, in particular the United Nations Children's Fund and the International Labour Organization, the World Bank and regional development banks, and civil society including indigenous groups, to provide the Committee with specific information on laws, policies and programmes for the implementation of indigenous children's rights when the Committee reviews the implementation of the Convention at country level;

6. *Recommends* that States parties strengthen mechanisms for the collection of data on children so as to identify existing gaps and barriers to the enjoyment of human rights by indigenous children, and with a view to developing legislation, policies and programmes to address such gaps and barriers;

7. *Encourages* greater research, including the development of common indicators, into the situation of indigenous children in rural and urban areas by United Nations human rights mechanisms, specialized agencies, programmes and funds, international organizations, civil society and academic institutions. In this regard, the Committee requests all interested parties to consider initiating a global study on the rights of indigenous children;

III. PARTICIPATION

8. In the light of article 12, as well as articles 13 to 17, of the Convention, *recommends* that States parties work closely with indigenous peoples and organizations to seek consensus on development strategies, policies and projects aimed at implementing children's rights, set up adequate institutional mechanisms involving all relevant actors and provide sufficient funding to facilitate the participation of children in the design, implementation and evaluation of these programmes and policies;

IV. NON-DISCRIMINATION

9. *Calls on* States parties to implement fully article 2 of the Convention and take effective measures, including through legislation, to ensure that indigenous children enjoy all of their rights equally and without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation;

10. *Recommends* that States parties, international organizations and civil society strengthen efforts to educate and train relevant professionals working with and for indigenous children on the Convention and the rights of indigenous peoples;

11. *Also recommends* that States parties, with the full participation of indigenous communities and children, develop public awareness campaigns, including through the mass media, to combat negative attitudes towards, and misperceptions about, indigenous peoples;

12. *Requests* States parties, when updating the Committee on measures and programmes undertaken to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, to provide specific and detailed information on the situation of indigenous children;

V. LAW AND PUBLIC ORDER, INCLUDING JUVENILE JUSTICE

13. To the extent compatible with articles 37, 39 and 40 of the Convention and other relevant United Nations standards and rules, the Committee suggests that States parties respect the methods customarily practised by indigenous peoples for dealing with criminal offences committed by children when it is in the best interests of the child;

14. *Requests* the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to pay particular attention to juvenile justice issues in his report on indigenous people and the administration of justice to be submitted to the Commission on Human Rights at its sixtieth session in 2004;

VI. RIGHT TO IDENTITY

15. *Calls on* States parties to ensure the full implementation of articles 7 and 8 of the Convention for all indigenous children, by, inter alia:

(*a*) Ensuring the existence of a free, effective and universally accessible birth registration system;

(*b*) Allowing indigenous parents to give their children a name of their own choosing, and respecting the right of the child to preserve his or her identity;

(*c*) Taking all necessary measures to prevent indigenous children from being or becoming stateless;

16. *Recommends* that States parties take all necessary measures to ensure that indigenous children enjoy their own culture and can use their own language. In this regard, States parties should pay particular attention to article 17 (d) of the Convention which calls on States parties to encourage the mass media to have particular regard to the linguistic needs of the child who is indigenous;

VII. FAMILY ENVIRONMENT

17. *Recommends* that States parties take effective measures to safeguard the integrity of indigenous families and assist them in their child-rearing responsibilities, in accordance with articles 3, 5, 18, 20, 25 and 27.3 of the Convention. For the purpose of designing such policies, the Committee recommends that States parties collect data on the family situation of indigenous children, including children in foster care and adoption processes. The Committee further recommends that maintaining the integrity of indigenous families and communities be a consideration in development programmes, social services, health and education programmes affecting indigenous children. The

Committee reminds States parties that, where it is in the best interest of the child to be separated from his or her family environment, and no other placement is possible in the community at large, institutionalization should only be used as a last resort and be subject to a periodic review. In accordance with article 20.3 of the Convention, due regard shall be paid to ensuring continuity in the child's upbringing and to his or her religious, cultural, ethnic and linguistic background;

VIII. HEALTH

18. *Recommends* that States parties take all necessary measures to implement the right to health of indigenous children, in view of the comparatively low indicators regarding child mortality, immunization and nutrition that affect this group of children. Special attention should also be paid to adolescents regarding drug abuse, alcohol consumption, mental health and sex education. The Committee also recommends that States parties develop and implement policies and programmes to ensure equal access for indigenous children to culturally appropriate health services;

IX. EDUCATION

19. *Recommends* that States parties ensure access for indigenous children to appropriate and high-quality education while taking complementary measures to eradicate child labour, including through the provision of informal education where appropriate. In this regard, the Committee recommends that States parties, with the active participation of indigenous communities and children:

(*a*) Review and revise school curricula and textbooks to develop respect among all children for indigenous cultural identity, history, language and values, in accordance with the Committee's general comment No. 1 (2001) on the aims of education;

(*b*) Implement indigenous children's right to be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong, as well as in the national language(s) of the country in which they live;

(*c*) Undertake measures to effectively address the comparatively higher dropout rates among indigenous youth and ensure that indigenous children are adequately prepared for higher education, vocational training and their further economic, social and cultural aspirations;

(*d*) Take effective measures to increase the number of teachers from indigenous communities or who speak indigenous languages, provide them with appropriate training and ensure that they are not discriminated against in relation to other teachers;

(*e*) Allocate sufficient financial, material and human resources to implement these programmes and policies effectively;

X. INTERNATIONAL COOPERATION AND FOLLOW-UP

20. *Encourages* greater cooperation between human rights treaty bodies and United Nations mechanisms on indigenous issues;

21. *Requests* thematic and country-specific mandate-holders of the Commission on Human Rights to pay special attention to the situation of indigenous children in their respective fields;

22. *Recommends* that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people dedicate one of his annual reports to the Commission on Human Rights to the rights of indigenous children. The preparation of such a report should include a survey of the implementation of the recommendations arising from the Committee's day of general discussion by all States parties to the Convention;

23. *Encourages* United Nations agencies and multilateral and bilateral donors to develop and support rights-based programmes for and with indigenous children in all regions;

24. *Recognizing* the strengths of indigenous communities to address many of the aforementioned issues, calls on the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, to coordinate the elaboration of a set of best practices for the promotion and protection of the rights of indigenous children in consultation with relevant non-governmental organizations, indigenous experts and indigenous children.

Annex I

STATES WHICH HAVE RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 1 FEBRUARY 2004 (192)

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Afghanistan	27 September 1990	28 March 1994	27 April 1994
Albania	26 January 1990	27 February 1992	28 March 1992
Algeria	26 January 1990	16 April 1993	16 May 1993
Andorra	2 October 1995	2 January 1996	1 February 1996
Angola	14 February 1990	5 December 1990	4 January 1991
Antigua and Barbuda	12 March 1991	5 October 1993	4 November 1993
Argentina	29 June 1990	4 December 1990	3 January 1991
Armenia		23 June 1993[a]	22 July 1993
Australia	22 August 1990	17 December 1990	16 January 1991
Austria	26 January 1990	6 August 1992	5 September 1992
Azerbaijan		13 August 1992[a]	12 September 1992
Bahamas	30 October 1990	20 February 1991	22 March 1991
Bahrain		13 February 1992[a]	14 March 1992
Bangladesh	26 January 1990	3 August 1990	2 September 1990
Barbados	19 April 1990	9 October 1990	8 November 1990
Belarus	26 January 1990	1 October 1990	31 October 1990
Belgium	26 January 1990	16 December 1991	15 January 1992
Belize	2 March 1990	2 May 1990	2 September 1990
Benin	25 April 1990	3 August 1990	2 September 1990
Bhutan	4 June 1990	1 August 1990	2 September 1990
Bolivia	8 March 1990	26 June 1990	2 September 1990
Bosnia and Herzegovina[b]			6 March 1992
Botswana		14 March 1995[a]	13 April 1995
Brazil	26 January 1990	24 September 1990	24 October 1990
Brunei Darussalam		27 December 1995[a]	26 January 1996
Bulgaria	31 May 1990	3 June 1991	3 July 1991
Burkina Faso	26 January 1990	31 August 1990	30 September 1990
Burundi	8 May 1990	19 October 1990	18 November 1990
Cambodia	22 September 1992	15 October 1992	14 November 1992
Cameroon	25 September 1990	11 January 1993	10 February 1993

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Canada	28 May 1990	13 December 1991	12 January 1992
Cape Verde		4 June 1992[a]	4 July 1992
Central African Republic	30 July 1990	23 April 1992	23 May 1992
Chad	30 September 1990	2 October 1990	1 November 1990
Chile	26 January 1990	13 August 1990	12 September 1990
China	29 August 1990	2 March 1992	1 April 1992
Colombia	26 January 1990	28 January 1991	27 February 1991
Comoros	30 September 1990	22 June 1993	21 July 1993
Congo		14 October 1993[a]	13 November 1993
Cook Islands		6 June 1997[a]	6 July 1997
Costa Rica	26 January 1990	21 August 1990	20 September 1990
Côte d'Ivoire	26 January 1990	4 February 1991	6 March 1991
Croatia[b]			8 October 1991
Cuba	26 January 1990	21 August 1991	20 September 1991
Cyprus	5 October 1990	7 February 1991	9 March 1991
Czech Republic[b]			1 January 1993
Democratic People's Republic of Korea	23 August 1990	21 September 1990	21 October 1990
Democratic Republic of the Congo	20 March 1990	27 September 1990	27 October 1990
Denmark	26 January 1990	19 July 1991	18 August 1991
Djibouti	30 September 1990	6 December 1990	5 January 1991
Dominica	26 January 1990	13 March 1991	12 April 1991
Dominican Republic	8 August 1990	11 June 1991	11 July 1991
Ecuador	26 January 1990	23 March 1990	2 September 1990
Egypt	5 February 1990	6 July 1990	2 September 1990
El Salvador	26 January 1990	10 July 1990	2 September 1990
Equatorial Guinea		15 June 1992[a]	15 July 1992
Eritrea	20 December 1993	3 August 1994	2 September 1994
Estonia		21 October 1991[a]	20 November 1991
Ethiopia		14 May 1991[a]	13 June 1991
Fiji	2 July 1993	13 August 1993	12 September 1993
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Gabon	26 January 1990	9 February 1994	11 March 1994
Gambia	5 February 1990	8 August 1990	7 September 1990
Georgia		2 June 1994[a]	2 July 1994

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Germany	26 January 1990	6 March 1992	5 April 1992
Ghana	29 January 1990	5 February 1990	2 September 1990
Greece	26 January 1990	11 May 1993	10 June 1993
Grenada	21 February 1990	5 November 1990	5 December 1990
Guatemala	26 January 1990	6 June 1990	2 September 1990
Guinea		13 July 1990[a]	2 September 1990
Guinea-Bissau	26 January 1990	20 August 1990	19 September 1990
Guyana	30 September 1990	14 January 1991	13 February 1991
Haiti	20 January 1990	8 June 1995	8 July 1995
Holy See	20 April 1990	20 April 1990	2 September 1990
Honduras	31 May 1990	10 August 1990	9 September 1990
Hungary	14 March 1990	7 October 1991	6 November 1991
Iceland	26 January 1990	28 October 1992	27 November 1992
India		11 December 1992[a]	11 January 1993
Indonesia	26 January 1990	5 September 1990	5 October 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994	12 August 1994
Iraq		15 June 1994[a]	15 July 1994
Ireland	30 September 1990	28 September 1992	28 October 1992
Israel	3 July 1990	3 October 1991	2 November 1991
Italy	26 January 1990	5 September 1991	5 October 1991
Jamaica	26 January 1990	14 May 1991	13 June 1991
Japan	21 September 1990	22 April 1994	22 May 1994
Jordan	29 August 1990	24 May 1991	23 June 1991
Kazakhstan	16 February 1994	12 August 1994	11 September 1994
Kenya	26 January 1990	30 July 1990	2 September 1990
Kiribati		11 December 1995[a]	10 January 1996
Kuwait	7 June 1990	21 October 1991	20 November 1991
Kyrgyzstan		7 October 1994	6 November 1994
Lao People's Democratic Republic		8 May 1991[a]	7 June 1991
Latvia		14 April 1992[a]	14 May 1992
Lebanon	26 January 1990	14 May 1991	13 June 1991
Lesotho	21 August 1990	10 March 1992	9 April 1992
Liberia	26 April 1990	4 June 1993	4 July 1993
Libyan Arab Jamahiriya		15 April 1993[a]	15 May 1993
Liechtenstein	30 September 1990	22 December 1995	21 January 1996

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Lithuania		31 January 1992[a]	1 March 1992
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Madagascar	19 April 1990	19 March 1991	18 April 1991
Malawi		2 January 1991[a]	1 February 1991
Malaysia		17 February 1995[a]	19 March 1995
Maldives	21 August 1990	11 February 1991	13 March 1991
Mali	26 January 1990	20 September 1990	20 October 1990
Malta	26 January 1990	30 September 1990	30 October 1990
Marshall Islands	14 April 1993	4 October 1993	3 November 1993
Mauritania	26 January 1990	16 May 1991	15 June 1991
Mauritius		26 July 1990[a]	2 September 1990
Mexico	26 January 1990	21 September 1990	21 October 1990
Micronesia (Federated States of)		5 May 1993[a]	4 June 1993
Monaco		21 June 1993[a]	21 July 1993
Mongolia	26 January 1990	5 July 1990	2 September 1990
Morocco	26 January 1990	21 June 1993	21 July 1993
Mozambique	30 September 1990	26 April 1994	26 May 1994
Myanmar		15 July 1991[a]	14 August 1991
Namibia	26 September 1990	30 September 1990	30 October 1990
Nauru		27 July 1994[a]	26 August 1994
Nepal	26 January 1990	14 September 1990	14 October 1990
Netherlands	26 January 1990	6 February 1995	7 March 1995
New Zealand	1 October 1990	6 April 1993	6 May 1993
Nicaragua	6 February 1990	5 October 1990	4 November 1990
Niger	26 January 1990	30 September 1990	30 October 1990
Nigeria	26 January 1990	19 April 1991	19 May 1991
Niue		20 December 1995[a]	19 January 1996
Norway	26 January 1990	8 January 1991	7 February 1991
Oman		9 December 1996[a]	8 January 1997
Pakistan	20 September 1990	12 November 1990	12 December 1990
Palau		4 August 1995[a]	3 September 1995
Panama	26 January 1990	12 December 1990	11 January 1991
Papua New Guinea	30 September 1990	1 March 1993	31 March 1993
Paraguay	4 April 1990	25 September 1990	25 October 1990
Peru	26 January 1990	4 September 1990	4 October 1990

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Philippines	26 January 1990	21 August 1990	20 September 1990
Poland	26 January 1990	7 June 1991	7 July 1991
Portugal	26 January 1990	21 September 1990	21 October 1990
Qatar	8 December 1992	3 April 1995	3 May 1995
Republic of Korea	25 September 1990	20 November 1991	20 December 1991
Republic of Moldova		26 January 1993[a]	25 February 1993
Romania	26 January 1990	28 September 1990	28 October 1990
Russian Federation	26 January 1990	16 August 1990	15 September 1990
Rwanda	26 January 1990	24 January 1991	23 February 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990	2 September 1990
Saint Lucia		16 June 1993[a]	16 July 1993
Saint Vincent and the Grenadines	20 September 1993	26 October 1993	25 November 1993
Samoa	30 September 1990	29 November 1994	29 December 1994
San Marino		25 November 1991[a]	25 December 1991
Sao Tome and Principe		14 May 1991[a]	13 June 1991
Saudi Arabia		26 January 1996[a]	25 February 1996
Senegal	26 January 1990	31 July 1990	2 September 1990
Seychelles		7 September 1990[a]	7 October 1990
Sierra Leone	13 February 1990	18 June 1990	2 September 1990
Singapore		5 October 1995[a]	4 November 1995
Slovakia[b]			1 January 1993
Slovenia[b]			25 June 1991
Solomon Islands		10 April 1995[a]	10 May 1995
South Africa	29 January 1993	16 June 1995	16 July 1995
Spain	26 January 1990	6 December 1990	5 January 1991
Sri Lanka	26 January 1990	12 July 1991	11 August 1991
Sudan	24 July 1990	3 August 1990	2 September 1990
Suriname	26 January 1990	1 March 1993	31 March 1993
Swaziland	22 August 1990	7 September 1995	6 October 1995
Sweden	26 January 1990	29 June 1990	2 September 1990
Switzerland	1 May 1991	24 February 1997	26 March 1997
Syrian Arab Republic	18 September 1990	15 July 1993	14 August 1993
Tajikistan		26 October 1993[a]	25 November 1993
Thailand		27 March 1992[a]	26 April 1992
The former Yugoslav Republic of Macedonia[b]			17 September 1991

States	Date of signature	Date of receipt of instrument of ratification/accession[a]	Date of entry into force
Timor-Leste		16 April 2003[a]	15 May 2003
Togo	26 January 1990	1 August 1990	2 September 1990
Tonga		6 November 1995[a]	6 December 1995
Trinidad and Tobago	30 September 1990	5 December 1991	4 January 1992
Tunisia	26 February 1990	30 January 1992	29 February 1992
Turkey	14 September 1990	4 April 1995	4 May 1995
Turkmenistan		20 September 1993[a]	19 October 1993
Tuvalu		22 September 1995[a]	22 October 1995
Uganda	17 August 1990	17 August 1990	16 September 1990
Ukraine	21 February 1991	28 August 1991	27 September 1991
United Arab Emirates		3 January 1997[a]	2 February 1997
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991	15 January 1992
United Republic of Tanzania	1 June 1990	10 June 1991	10 July 1991
Uruguay	26 January 1990	20 November 1990	20 December 1990
Uzbekistan		29 June 1994[a]	29 July 1994
Vanuatu	30 September 1990	7 July 1993	6 August 1993
Venezuela	26 January 1990	13 September 1990	13 October 1990
Viet Nam	26 January 1990	28 February 1990	2 September 1990
Yemen	13 February 1990	1 May 1991	31 May 1991
Yugoslavia[c]			12 March 2001[b]
Zambia	30 September 1990	5 December 1991	5 January 1992
Zimbabwe	8 March 1990	11 September 1990	11 October 1990

Notes

[a] Accession.

[b] Succession.

[c] The former Yugoslavia had signed and ratified the Convention on 26 January 1990 and 3 January 1991, respectively. On 12 March 2001 Yugoslavia succeeded to the obligations under the treaty of the former Yugoslavia.

Annex II

STATES WHICH HAVE SIGNED (115), OR RATIFIED OR ACCEDED (69) TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT,* AS AT 1 FEBRUARY 2004

State	Date of signature	Date of receipt of instrument of ratification/accession
Afghanistan		24 September 2000[a]
Andorra	7 September 2000	30 April 2001
Argentina	15 June 2000	10 September 2002
Armenia	24 September 2003	
Australia	21 October 2002	
Austria	6 September 2000	1 February 2002
Azerbaijan	8 September 2000	3 July 2002
Bangladesh	6 September 2000	6 September 2000
Belgium	6 September 2000	6 May 2002
Belize	6 September 2000	1 December 2003
Benin	22 February 2001	
Bosnia and Herzegovina	7 September 2000	10 October 2003
Botswana	24 September 2003	
Brazil	6 September 2000	27 January 2004
Bulgaria	8 June 2001	12 February 2002
Burkina Faso	16 November 2001	
Burundi	13 November 2001	
Cambodia	27 June 2000	
Cameroon	5 October 2001	
Canada	5 June 2000	7 July 2000
Cape Verde		10 May 2002[a]
Chad	3 May 2002	28 August 2002
Chile	15 November 2001	31 July 2003
China	15 March 2001	
Colombia	6 September 2000	

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* The Optional Protocol entered into force on 12 February 2002.

State	Date of signature	Date of receipt of instrument of ratification/accession
Costa Rica	7 September 2000	24 January 2003
Croatia	8 May 2002	1 November 2002
Cuba	13 October 2000	
Czech Republic	6 September 2000	30 November 2001
Democratic Republic of the Congo	8 September 2000	11 November 2001
Denmark	7 September 2000	27 August 2002
Dominica		20 September 2002[a]
Dominican Republic	9 May 2002	
Ecuador	6 September 2000	
El Salvador	18 September 2000	18 April 2002
Estonia	24 September 2003	
Finland	7 September 2000	10 April 2002
France	6 September 2000	5 February 2003
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Ghana	24 September 2003	
Greece	7 September 2000	22 October 2003
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	8 September 2000	
Haiti	15 August 2002	
Holy See	10 October 2000	24 October 2001
Honduras		14 August 2002[a]
Hungary	11 March 2002	
Iceland	7 September 2000	1 October 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	18 November 2002
Israel	14 November 2001	
Italy	6 September 2000	9 May 2002
Jamaica	8 September 2000	9 May 2002
Japan	10 May 2002	
Jordan	6 September 2000	
Kazakhstan	6 September 2000	10 April 2003
Kenya	8 September 2000	28 January 2002
Kyrgyzstan		13 August 2003[a]

State	Date of signature	Date of receipt of instrument of ratification/accession
Latvia	1 February 2002	
Lebanon	11 February 2002	
Lesotho	6 September 2000	24 September 2003
Liechtenstein	8 September 2000	
Lithuania	13 February 2002	20 February 2003
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Maldives	10 May 2002	
Mali	8 September 2000	16 May 2002
Malta	7 September 2000	9 May 2002
Mauritius	11 November 2001	
Mexico	7 September 2000	15 March 2002
Micronesia (Federated States of)	8 May 2002	
Monaco	26 June 2000	13 November 2001
Mongolia	12 November 2001	
Morocco	8 September 2000	22 May 2002
Namibia	8 September 2000	16 April 2002
Nauru	8 September 2000	
Nepal	8 September 2000	
Netherlands	7 September 2000	
New Zealand	7 September 2000	12 November 2001
Nigeria	8 September 2000	
Norway	13 June 2000	23 September 2003
Pakistan	26 September 2001	
Panama	31 October 2000	8 August 2001
Paraguay	13 September 2000	27 September 2002
Peru	1 November 2000	8 May 2002
Philippines	8 September 2000	26 August 2003
Poland	13 February 2002	
Portugal	6 September 2000	19 August 2003
Qatar		25 July 2002[a]
Republic of Korea	6 September 2000	
Republic of Moldova	8 February 2002	
Romania	6 September 2000	10 November 2001

State	Date of signature	Date of receipt of instrument of ratification/accession
Russian Federation	15 February 2001	
Rwanda		23 April 2002[a]
San Marino	5 June 2000	
Senegal	8 September 2000	
Serbia and Montenegro	8 October 2001	31 January 2003
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	15 May 2002
Singapore	7 September 2000	
Slovakia	30 November 2001	
Slovenia	8 September 2000	
South Africa	8 February 2002	
Spain	6 September 2000	8 March 2002
Sri Lanka	21 August 2000	8 September 2000
Sudan	9 May 2002	
Suriname	10 May 2002	
Sweden	8 June 2000	20 February 2003
Switzerland	7 September 2000	26 June 2002
Syrian Arab Republic		17 October 2003[a]
Tajikistan		5 August 2002[a]
The former Yugoslav Republic of Macedonia	17 July 2001	12 January 2004
Togo	15 November 2001	
Tunisia	22 April 2002	2 January 2003
Turkey	8 September 2000	
Uganda		6 May 2002[a]
Ukraine	7 September 2000	
United Kingdom of Great Britain and Northern Ireland	7 September 2000	24 June 2003
United States of America	5 July 2000	23 December 2002
Uruguay	7 September 2000	9 September 2003
Venezuela	7 September 2000	23 September 2003
Viet Nam	8 September 2000	20 December 2001

Note

[a] Accession.

Annex III

STATES WHICH HAVE SIGNED (108), OR RATIFIED OR ACCEDED (71) TO THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY,[*] AS AT 1 FEBRUARY 2004

State	Date of signature	Date of receipt of instrument of ratification/accession
Afghanistan		19 September 2002[a]
Andorra	7 September 2000	30 April 2001
Antigua and Barbuda	18 December 2001	30 April 2002
Argentina	1 April 2002	25 September 2003
Armenia	24 September 2003	
Australia	18 December 2001	
Austria	6 September 2000	
Azerbaijan	8 September 2000	3 July 2002
Bangladesh	6 September 2000	6 September 2000
Belarus		23 January 2002[a]
Belgium	6 September 2000	
Belize	6 September 2000	1 December 2003
Benin	22 February 2001	
Bolivia	10 November 2001	3 June 2003
Bosnia and Herzegovina	7 September 2000	4 September 2002
Botswana		24 September 2003[a]
Brazil	6 September 2000	27 January 2004
Bulgaria	8 June 2001	12 February 2002
Burkina Faso	16 November 2001	
Cambodia	27 June 2000	30 May 2002
Cameroon	5 October 2001	
Canada	10 November 2001	
Cape Verde		10 May 2002[a]
Chad	8 May 2002	28 August 2002
Chile	28 June 2000	6 February 2003

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[*] The Optional Protocol entered into force on 18 January 2002.

State	Date of signature	Date of receipt of instrument of ratification/accession
China	6 September 2000	3 December 2002
Colombia	6 September 2000	11 November 2003
Costa Rica	7 September 2000	9 April 2002
Croatia	8 May 2002	13 May 2002
Cuba	13 October 2000	25 September 2001
Cyprus	8 February 2001	
Democratic Republic of the Congo		11 November 2001[a]
Denmark	7 September 2000	24 July 2003
Dominica		20 September 2002[a]
Ecuador	6 September 2000	30 January 2004
Egypt		12 July 2002[a]
El Salvador	13 September 2002	
Equatorial Guinea		7 February 2003[a]
Estonia	24 September 2003	
Finland	7 September 2000	
France	6 September 2000	5 February 2003
Gabon	8 September 2000	
Gambia	21 December 2000	
Germany	6 September 2000	
Ghana	24 September 2003	
Greece	7 September 2000	
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	8 September 2000	
Haiti	15 August 2002	
Holy See	10 October 2000	24 October 2001
Honduras		8 May 2002[a]
Hungary	11 March 2002	
Iceland	7 September 2000	9 July 2001
Indonesia	24 September 2001	
Ireland	7 September 2000	
Israel	14 November 2001	
Italy	6 September 2000	9 May 2002
Jamaica	8 September 2000	
Japan	10 May 2002	
Jordan	6 September 2000	

State	Date of signature	Date of receipt of instrument of ratification/accession
Kazakhstan	6 September 2000	24 August 2001
Kenya	8 September 2000	
Kyrgyzstan		12 February 2003[a]
Latvia	1 February 2002	
Lebanon	10 October 2001	
Lesotho	6 September 2000	24 September 2003
Liechtenstein	8 September 2000	
Luxembourg	8 September 2000	
Madagascar	7 September 2000	
Malawi	7 September 2000	
Maldives	10 May 2002	10 May 2002
Mali		16 May 2002[a]
Malta	7 September 2000	
Mauritius	11 November 2001	
Mexico	7 September 2000	15 March 2002
Micronesia (Federated States of)	8 May 2002	
Monaco	26 June 2000	
Mongolia	12 November 2001	27 June 2003
Morocco	8 September 2000	2 October 2001
Mozambique		6 March 2003[a]
Namibia	8 September 2000	16 April 2002
Nauru	8 September 2000	
Nepal	8 September 2000	
Netherlands	7 September 2000	
New Zealand	7 September 2000	
Niger	27 March 2002	
Nigeria	8 September 2000	
Norway	13 June 2000	2 October 2001
Pakistan	26 September 2001	
Panama	31 October 2000	9 February 2001
Paraguay	13 September 2000	18 August 2003
Peru	1 November 2000	8 May 2002
Philippines	8 September 2000	28 May 2002
Poland	13 February 2002	
Portugal	6 September 2000	16 May 2003

State	Date of signature	Date of receipt of instrument of ratification/accession
Qatar		14 December 2001[a]
Republic of Korea	6 September 2000	
Republic of Moldova	8 February 2002	
Romania	6 September 2000	18 October 2001
Rwanda		14 March 2002[a]
San Marino	5 June 2000	
Senegal	8 September 2000	5 November 2003
Serbia and Montenegro	8 October 2001	10 October 2002
Seychelles	23 January 2001	
Sierra Leone	8 September 2000	17 September 2001
Slovakia	30 November 2001	
Slovenia	8 September 2000	
South Africa		30 June 2003[a]
Spain	6 September 2000	18 December 2001
Sri Lanka	8 May 2002	
Suriname	10 May 2002	
Sweden	8 September 2000	
Switzerland	7 September 2000	
Syrian Arab Republic		15 May 2003[a]
Tajikistan		5 August 2002[a]
The former Yugoslav Republic of Macedonia	17 July 2001	17 October 2003
Timor-Leste		16 April 2003[a]
Togo	15 November 2001	
Tunisia	22 April 2002	13 September 2002
Turkey	8 September 2000	19 August 2002
Uganda		30 November 2001[a]
Ukraine	7 September 2000	3 July 2003
United Kingdom of Great Britain and Northern Ireland	7 September 2000	
United Republic of Tanzania		24 April 2003[a]
United States of America	5 July 2000	23 December 2002
Uruguay	7 September 2000	3 July 2003
Venezuela	7 September 2000	8 May 2002
Viet Nam	8 September 2000	20 December 2001

Note

[a] Accession.

Annex IV

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

Name of member	Country of nationality
Mr. Ibrahim Abdul Aziz AL-SHEDDI*	Saudi Arabia
Ms. Ghalia Mohd Bin Hamad AL-THANI*	Qatar
Ms. Joyce ALUOCH*	Kenya
Ms. Saisuree CHUTIKUL*	Thailand
Mr. Luigi CITARELLA*	Italy
Mr. Jacob Egbert DOEK**	Netherlands
Mr. Kamel FILALI**	Algeria
Ms. Moushira KHATTAB**	Egypt
Mr. Hatem KOTRANE**	Tunisia
Mr. Lothar Friedrich KRAPPMANN**	Germany
Ms. Yanghee LEE*	Republic of Korea
Mr. Norberto LIWSKI**	Argentina
Ms. Rosa Maria ORTIZ**	Paraguay
Ms. Awa N'Deye OUEDRAOGO**	Burkina Faso
Ms. Marilia SARDENBERG*	Brazil
Ms. Lucy SMITH*	Norway
Ms. Marjorie TAYLOR**	Jamaica
Ms. Nevena VUCKOVIC-SAHOVIC*	Serbia and Montenegro

Notes

* Term expires on 28 February 2005.

** Term expires on 28 February 2007.

Annex V

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION OF REPORTS UNDER ARTICLE 44 OF THE CONVENTION, AS AT 29 MARCH 2004

A. Initial report

State party	Date due	Date of submission	Symbol	Exceptional measures
Afghanistan	26 April 1996			
Albania	27 March 1994	24 September 2003	CRC/C/11/Add.27	
Algeria	15 May 1995	16 November 1995	CRC/C/28/Add.4	
Andorra	31 January 1998	27 July 2000	CRC/C/61/Add.3	
Angola	3 January 1993			
Antigua and Barbuda	3 November 1995	4 February 2003	CRC/C/28/Add.22	
Argentina	2 January 1993	17 March 1993	CRC/C/8/Add.2 and Add.17	
Armenia	22 July 1995	19 March 1997	CRC/C/28/Add.9	
Australia	15 January 1993	8 January 1996	CRC/C/8/Add.31	
Austria	4 September 1994	8 October 1996	CRC/C/11/Add.14	
Azerbaijan	11 September 1994	9 November 1995	CRC/C/11/Add.8	
Bahamas	21 March 1993	5 June 2003	CRC/C/8/Add.50	
Bahrain	14 March 1994	3 August 2000	CRC/C/11/Add.24	
Bangladesh	1 September 1992	15 November 1995 and 4 February 1997	CRC/C/3/Add.38 and CRC/C/3/Add.49 CRC/C/3/Add.47	
Barbados	6 November 1992	12 September 1996	CRC/C/3/Add.45	
Belarus	30 October 1992	12 February 1993	CRC/C/3/Add.14	
Belgium	14 January 1994	12 July 1994	CRC/C/11/Add.4	
Belize	1 September 1992	1 November 1996	CRC/C/3/Add.46	
Benin	1 September 1992	22 January 1997	CRC/C/3/Add.52	
Bhutan	1 September 1992	20 April 1999	CRC/C/3/Add.60	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Bolivia	1 September 1992	14 September 1992	CRC/C/3/Add.2	
Bosnia and Herzegovina	5 March 1994			
Botswana	12 April 1997	10 January 2003	CRC/C/51/Add.9	
Brazil	23 October 1992	27 October 2003	CRC/C/3/Add.65	
Brunei Darussalam	25 January 1998	20 December 2001	CRC/C/61/Add.4	
Bulgaria	2 July 1993	29 September 1995	CRC/C/8/Add.29	
Burkina Faso	29 September 1992	7 July 1993	CRC/C/3/Add.19	
Burundi	17 November 1992	19 March 1998	CRC/C/3/Add.58	
Cambodia	13 November 1994	18 December 1997	CRC/C/11/Add.16	
Cameroon	9 February 1995	3 April 2000	CRC/C/28/Add.16	
Canada	11 January 1994	17 June 1994	CRC/C/11/Add.3	
Cape Verde	3 July 1994	30 November 1999	CRC/C/11/Add.23	
Central African Republic	23 May 1994	15 April 1998	CRC/C/11/Add.18	
Chad	31 October 1992	14 January 1997	CRC/C/3/Add.50	
Chile	11 September 1992	22 June 1993	CRC/C/3/Add.18	
China	31 March 1994	27 March 1995	CRC/C/11/Add.7	
Colombia	26 February 1993	14 April 1993	CRC/C/8/Add.3	
Comoros	21 July 1995	24 March 1998	CRC/C/28/Add.13	
Congo	12 November 1995			
Cook Islands	5 July 1999			
Costa Rica	19 September 1992	28 October 1992	CRC/C/3/Add.8	
Côte d'Ivoire	5 March 1993	22 January 1999	CRC/C/8/Add.41	
Croatia	7 October 1993	8 November 1994	CRC/C/8/Add.19	
Cuba	19 September 1993	27 October 1995	CRC/C/8/Add.30	
Cyprus	8 March 1993	22 December 1994	CRC/C/8/Add.24	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Czech Republic	31 December 1994	4 March 1996	CRC/C/11/Add.11	
Democratic People's Republic of Korea	20 October 1992	13 February 1996	CRC/C/3/Add.41	
Democratic Republic of the Congo	26 October 1992	16 February 1998	CRC/C/3/Add.57	
Denmark	17 August 1993	14 September 1993	CRC/C/8/Add.8	
Djibouti	4 January 1993	17 February 1998	CRC/C/8/Add.39	
Dominica	11 April 1993	21 January 2003	CRC/C/8/Add.48	
Dominican Republic	10 July 1993	1 December 1998	CRC/C/8/Add.40	
Ecuador	1 September 1992	11 June 1996	CRC/C/3/Add.44	
Egypt	1 September 1992	23 October 1992	CRC/C/3/Add.6	
El Salvador	1 September 1992	3 November 1992	CRC/C/3/Add.9 and Add.28	
Equatorial Guinea	14 July 1994	12 September 2003	CRC/C/11/Add.26	
Eritrea	1 September 1996	27 July 2001	CRC/C/41/Add.12	
Estonia	19 November 1993	7 June 2001	CRC/C/8/Add.44	
Ethiopia	12 June 1993	10 August 1995	CRC/C/8/Add.27	
Fiji	11 September 1995	12 June 1996	CRC/C/28/Add.7	
Finland	19 July 1993	12 December 1994	CRC/C/8/Add.22	
France	5 September 1992	8 April 1993	CRC/C/3/Add.15	
Gabon	10 March 1996	21 June 2000	CRC/C/47/Add.10	
Gambia	6 September 1992	20 November 1999	CRC/C/3/Add.61	
Georgia	1 July 1996	7 April 1997	CRC/C/41/Add.4	
Germany	4 April 1994	30 August 1994	CRC/C/11/Add.5	
Ghana	1 September 1992	20 November 1995	CRC/C/3/Add.39	
Greece	9 June 1995	14 April 2000	CRC/C/28/Add.17	
Grenada	4 December 1992	24 September 1997	CRC/C/3/Add.55	
Guatemala	1 September 1992	5 January 1995	CRC/C/3/Add.33	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Guinea	1 September 1992	20 November 1996	CRC/C/3/Add.48	
Guinea-Bissau	18 September 1992	6 September 2000	CRC/C/3/Add.63	
Guyana	12 February 1993	29 July 2002	CRC/C/8/Add.47	
Haiti	7 July 1997	3 April 2001	CRC/C/51/Add.7	
Holy See	1 September 1992	2 March 1994	CRC/C/3/Add.27	
Honduras	8 September 1992	11 May 1993	CRC/C/3/Add.17	
Hungary	5 November 1993	28 June 1996	CRC/C/8/Add.34	
Iceland	26 November 1994	30 November 1994	CRC/C/11/Add.6	
India	10 January 1995	19 March 1997	CRC/C/28/Add.10	
Indonesia	4 October 1992	17 November 1992	CRC/C/3/Add.10 and Add.26	
Iran (Islamic Republic of)	11 August 1996	9 December 1997	CRC/C/41/Add.5	
Iraq	14 July 1996	6 August 1996	CRC/C/41/Add.3	
Ireland	27 October 1994	4 April 1996	CRC/C/11/Add.12	
Israel	1 November 1993	20 February 2001	CRC/C/3/Add.65	
Italy	4 October 1993	11 October 1994	CRC/C/8/Add.18	
Jamaica	12 June 1993	25 January 1994	CRC/C/8/Add.12	
Japan	21 May 1996	30 May 1996	CRC/C/41/Add.1	
Jordan	22 June 1993	25 May 1993	CRC/C/8/Add.4	
Kazakhstan	10 September 1996	20 November 2001	CRC/C/41/Add.13	
Kenya	1 September 1992	13 January 2000	CRC/C/3/Add.62	
Kiribati	9 January 1998			
Kuwait	19 November 1993	23 August 1996	CRC/C/8/Add.35	
Kyrgyzstan	5 November 1996	16 February 1998	CRC/C/41/Add.6	
Lao People's Democratic Republic	6 June 1993	18 January 1996	CRC/C/8/Add.32	
Latvia	13 May 1994	25 November 1998	CRC/C/11/Add.22	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Lebanon	12 June 1993	21 December 1994	CRC/C/8/Add.23	
Lesotho	8 April 1994	27 April 1998	CRC/C/11/Add.20	
Liberia	3 July 1995			
Libyan Arab Jamahiriya	14 May 1995	23 May 1996	CRC/C/28/Add.6	
Liechtenstein	20 January 1998	22 September 1998	CRC/C/61/Add.1	
Lithuania	28 February 1994	6 August 1998	CRC/C/11/Add.21	
Luxembourg	5 April 1996	26 July 1996	CRC/C/41/Add.2	
Madagascar	17 April 1993	20 July 1993	CRC/C/8/Add.5	
Malawi	31 January 1993	1 August 2000	CRC/C/8/Add.43	
Malaysia	18 March 1997			
Maldives	12 March 1993	19 March 1996	CRC/C/8/Add.33	
Mali	19 October 1992	2 April 1997	CRC/C/3/Add.53	
Malta	29 October 1992	26 December 1997	CRC/C/3/Add.56	
Marshall Islands	2 November 1995	18 March 1998	CRC/C/28/Add.12	
Mauritania	14 June 1993	18 January 2000	CRC/C/8/Add.42	
Mauritius	1 September 1992	25 July 1995	CRC/C/3/Add.36	
Mexico	20 October 1992	15 December 1992	CRC/C/3/Add.11	
Micronesia (Federated States of)	3 June 1995	16 April 1996	CRC/C/28/Add.5	
Monaco	20 July 1995	9 June 1999	CRC/C/28/Add.15	
Mongolia	1 September 1992	20 December 1994	CRC/C/3/Add.32	
Morocco	20 July 1995	27 July 1995	CRC/C/28/Add.1	
Mozambique	25 May 1996	21 June 2000	CRC/C/41/Add.11	
Myanmar	13 August 1993	21 September 1993	CRC/C/8/Add.9	
Namibia	29 October 1992	21 December 1992	CRC/C/3/Add.12	
Nauru	25 August 1996			

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Nepal	13 October 1992	10 April 1995	CRC/C/3/Add.34	
Netherlands	6 March 1997	15 May 1997	CRC/C/51/Add.1	
Netherlands (Netherlands Antilles)		22 January 2001	CRC/C/107/Add.1	
Netherlands (Aruba)		29 January 2002	CRC/C/117/Add.2	
New Zealand	5 May 1995	29 September 1995	CRC/C/28/Add.3	
Nicaragua	3 November 1992	12 January 1994	CRC/C/3/Add.25	
Niger	29 October 1992	28 December 2000	CRC/C/3/Add.29/Rev.1	
Nigeria	18 May 1993	19 July 1995	CRC/C/8/Add.26	
Niue	18 January 1998			
Norway	6 February 1993	30 August 1993	CRC/C/8/Add.7	
Oman	7 January 1999	5 July 1999	CRC/C/78/Add.1	
Pakistan	11 December 1992	25 January 1993	CRC/C/3/Add.13	
Palau	3 September 1997	21 October 1998	CRC/C/51/Add.3	
Panama	10 January 1993	19 September 1995	CRC/C/8/Add.28	
Papua New Guinea	30 March 1995			
Paraguay	24 October 1992	30 August 1993 and 13 November 1996	CRC/C/3/Add.22 and CRC/C/3/Add.47	
Peru	3 October 1992	28 October 1992	CRC/C/3/Add.7 and Add.24	
Philippines	19 September 1992	21 September 1993	CRC/C/3/Add.23	
Poland	6 July 1993	11 January 1994	CRC/C/8/Add.11	
Portugal	20 October 1992	17 August 1994	CRC/C/3/Add.30	
Qatar	2 May 1997	29 October 1999	CRC/C/51/Add.5	
Republic of Korea	19 December 1993	17 November 1994	CRC/C/8/Add.21	
Republic of Moldova	24 February 1995	5 February 2001	CRC/C/28/Add.19	
Romania	27 October 1992	14 April 1993	CRC/C/3/Add.16	
Russian Federation	14 September 1992	16 October 1992	CRC/C/3/Add.5	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Rwanda	22 February 1993	30 September 1992	CRC/C/8/Add.1	
Saint Kitts and Nevis	1 September 1992	22 January 1997	CRC/C/3/Add.51	
Saint Lucia	15 July 1995			
Saint Vincent and the Grenadines	24 November 1995	5 December 2000	CRC/C/28/Add.18	
Samoa	28 December 1996			
San Marino	24 December 1993	25 April 2002	CRC/C/8/Add.46	
Sao Tome and Principe	12 June 1993			
Saudi Arabia	24 February 1998	15 October 1998	CRC/C/61/Add.2	
Senegal	1 September 1992	12 September 1994	CRC/C/3/Add.31	
Serbia and Montenegro[a]	1 February 1993	21 September 1994	CRC/C/8/Add.16	
Seychelles	6 October 1992	7 February 2001	CRC/C/3/Add.64	
Sierra Leone	1 September 1992	10 April 1996	CRC/C/3/Add.43	
Singapore	3 November 1997	29 April 2002	CRC/C/3/51/Add.7	
Slovakia	31 December 1994	6 April 1998	CRC/C/11/Add.17	
Slovenia	24 June 1993	29 May 1995	CRC/C/8/Add.25	
Solomon Islands	9 May 1997	28 February 2001	CRC/C/51/Add.6	
South Africa	15 July 1997	4 December 1997	CRC/C/51/Add.2	
Spain	4 January 1993	10 August 1993	CRC/C/8/Add.6	
Sri Lanka	10 August 1993	23 March 1994	CRC/C/8/Add.13	
Sudan	1 September 1992	29 September 1992	CRC/C/3/Add.3 and Add.20	
Suriname	31 March 1995	13 February 1998	CRC/C/28/Add.11	
Swaziland	5 October 1997			
Sweden	1 September 1992	7 September 1992	CRC/C/3/Add.1	
Switzerland	25 March 1999	19 January 2001	CRC/C/78/Add.3	
Syrian Arab Republic	13 August 1995	22 September 1995	CRC/C/28/Add.2	

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Tajikistan	24 November 1995	14 April 1998	CRC/C/28/Add.14	
Thailand	25 April 1994	23 August 1996	CRC/C/11/Add.13	
The former Yugoslav Republic of Macedonia	16 September 1993	4 March 1997	CRC/C/8/Add.36	
Timor-Leste	15 April 2005			
Togo	1 September 1992	27 February 1996	CRC/C/3/Add.42	
Tonga	5 December 1997			
Trinidad and Tobago	3 January 1994	16 February 1996	CRC/C/11/Add.10	
Tunisia	28 February 1994	16 May 1994	CRC/C/11/Add.2	
Turkey	3 May 1997	7 July 1999	CRC/C/51/Add.4	
Turkmenistan	19 October 1995			
Tuvalu	21 October 1997			
Uganda	15 September 1992	1 February 1996	CRC/C/3/Add.40	
Ukraine	26 September 1993	13 October 1993	CRC/C/8/Add.10/Rev.1	
United Arab Emirates	1 February 1999	15 April 2000	CRC/C/78/Add.2	
United Kingdom of Great Britain and Northern Ireland	14 January 1994	15 March 1994	CRC/C/11/Add.1	
		14 February 1996	CRC/C/11/Add.9	
		12 June 1997	CRC/C/11/Add.15 and Corr.1	
		15 April 1998	CRC/C/11/Add.19	
United Kingdom of Great Britain and Northern Ireland (Overseas Territories)	7 September 1999	26 May 1999	CRC/C/41/Add.7	
United Republic of Tanzania	9 July 1993	20 October 1999	CRC/C/8/Add.14/Rev.1	
Uruguay	19 December 1992	2 August 1995	CRC/C/3/Add.37	
Uzbekistan	28 July 1996	27 December 1999	CRC/C/41/Add.8	
Vanuatu	5 August 1995	27 January 1997	CRC/C/28/Add.8	
Venezuela	12 October 1992	9 July 1997	CRC/C/3/Add.54	
Viet Nam	1 September 1992	30 September 1992	CRC/C/3/Add.4 and Add.21	
Yemen	30 May 1993	14 November 1994	CRC/C/8/Add.20	
Zambia	4 January 1994	29 November 2001	CRC/C/11/Add.25	
Zimbabwe	10 October 1992	23 May 1995	CRC/C/3/Add.35	

B. Second periodic report

State party	Date due	Date of submission	Symbol	Exceptional measures
Afghanistan	26 April 2001			
Albania	27 March 1999			
Algeria	15 May 2000	16 December 2003	CRC/C/93/Add.7	
Andorra	31 January 2003			
Angola	3 January 1998			
Antigua and Barbuda	3 November 2000			
Argentina	2 January 1998	12 August 1999	CRC/C/70/Add.10	
Armenia	22 July 2000	21 February 2002	CRC/C/93/Add.6	
Australia	15 January 1998	30 September 2003	CRC/C/129/Add.4	Consolidated second and third report before 15 January 2003
Austria	4 September 1999	11 November 2003	CRC/C/83/Add.8	
Azerbaijan	11 September 1999	9 February 2004	CRC/C/83/Add.13	
Bahamas	21 March 1998			
Bahrain	14 March 1999			
Bangladesh	1 September 1997	12 June 2001	CRC/C/65/Add.22	
Barbados	6 November 1997			
Belarus	30 October 1997	20 May 1999	CRC/C/65/Add.15	
Belgium	14 January 1999	7 May 1999	CRC/C/83/Add.2	
Belize	1 September 1997	28 February 2003	CRC/C/65/Add.29	
Benin	1 September 1997			
Bhutan	1 September 1997			
Bolivia	1 September 1997	12 August 1997	CRC/C/65/Add.1	
Bosnia and Herzegovina	5 March 1999			
Botswana	12 April 2002			
Brazil	23 October 1997			
Brunei Darussalam	25 January 2003			Consolidated second and third report before 25 July 2008

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Bulgaria	2 July 1998			
Burkina Faso	29 September 1997	11 October 1999	CRC/C/65/Add.18	
Burundi	17 November 1997			
Cambodia	13 November 1999			
Cameroon	9 February 2000			
Canada	11 January 1999	3 May 2001	CRC/C/83/Add.6	
Cape Verde	3 July 1999			
Central African Republic	23 May 1999			
Chad	31 October 1997			
Chile	11 September 1997	10 February 1999	CRC/C/65/Add.13	
China	31 March 1999	27 June 2003	CRC/C/83/Add.10 CRC/C/83/Add.11 CRC/C/83/Add.12	
Colombia	26 February 1998	9 September 1998	CRC/C/70/Add.5	
Comoros	21 July 2000			
Congo	12 November 2000			
Cook Islands	5 July 2004			
Costa Rica	19 September 1997	20 January 1998	CRC/C/65/Add.7	
Côte d'Ivoire	5 March 1998			
Croatia	7 October 1998	30 October 2002	CRC/C/70/Add.23	
Cuba	19 September 1998			
Cyprus	8 March 1998	15 September 2000	CRC/C/70/Add.16	
Czech Republic	31 December 1999	3 March 2000	CRC/C/83/Add.4	
Democratic People's Republic of Korea	20 October 1997	16 May 2002	CRC/C/70/Add.24	
Democratic Republic of the Congo	26 October 1997			
Denmark	17 August 1998	15 September 1998	CRC/C/70/Add.6	
Djibouti	4 January 1998			

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Dominica	11 April 1998			
Dominican Republic	10 July 1998			
Ecuador	1 September 1997	21 January 2003	CRC/C/65/Add.28	Consolidated second and third report before 1 September 2002
Egypt	2 September 1997	18 September 1998	CRC/C/65/Add.9	
El Salvador	1 September 1997	10 July 2002	CRC/C/65/Add.25	
Equatorial Guinea	14 July 1999			
Eritrea	1 September 2001			Consolidated second and third report before 1 September 2006
Estonia	19 November 1998			Consolidated second, third and fourth report before 1 November 2008
Ethiopia	12 June 1998	28 September 1998	CRC/C/70/Add.7	
Fiji	11 September 2000			
Finland	19 July 1998	3 August 1998	CRC/C/70/Add.3	
France	5 September 1997	1 August 2002	CRC/C/65/Add.26	
Gabon	10 March 2001			
Gambia	6 September 1997			
Georgia	1 July 2001	29 June 2001	CRC/C/104/Add.1	
Germany	4 April 1999	23 July 2001	CRC/C/83/Add.7	Consolidated third and fourth report before 4 April 2009
Ghana	1 September 1997			
Greece	9 June 2000			
Grenada	4 December 1997			
Guatemala	1 September 1997	7 October 1998	CRC/C/65/Add.10	

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Guinea	1 September 1997			
Guinea-Bissau	18 September 1997			
Guyana	12 February 1998			Consolidated second, third and fourth report before 12 February 2008
Haiti	7 July 2002			Consolidated second and third report before 7 July 2007
Holy See	1 September 1997			
Honduras	8 September 1997	18 September 1997	CRC/C/65/Add.2	
Hungary	5 November 1998	17 February 2004	CRC/C/70/Add.25	
Iceland	26 November 1999	27 April 2000	CRC/C/83/Add.5	
India	10 January 2000	10 December 2001	CRC/C/93/Add.5	
Indonesia	4 October 1997	5 February 2002	CRC/C/65/Add.23	
Iran (Islamic Republic of)	11 August 2001	16 July 2002	CRC/C/104/Add.3	
Iraq	14 July 2001			
Ireland	27 October 1999			
Israel	1 November 1998			Consolidated second, third and fourth report before 1 November 2008
Italy	4 October 1998	21 March 2000	CRC/C/70/Add.13	
Jamaica	12 June 1998	16 May 2000	CRC/C/70/Add.15	
Japan	21 May 2001	15 November 2001	CRC/C/104/Add.2	
Jordan	22 June 1998	5 August 1998	CRC/C/70/Add.5	
Kazakhstan	10 September 2001			Consolidated second and third report before 10 September 2006
Kenya	1 September 1997			

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Kiribati	9 January 2003			
Kuwait	19 November 1998			
Kyrgyzstan	6 November 2001	28 August 2002	CRC/C/104/Add.4	
Lao People's Democratic Republic	6 June 1998			
Latvia	13 May 1999			
Lebanon	12 June 1998	4 December 1998	CRC/C/70/Add.8	
Lesotho	8 April 1999			
Liberia	3 July 2000			
Libyan Arab Jamahiriya	14 May 2000	8 August 2000	CRC/C/93/Add.1	
Liechtenstein	20 January 2003	18 March 2004	CRC/C/136/Add.2	
Lithuania	28 February 1999	26 February 2004	CRC/C/83/Add.14	
Luxembourg	5 April 2001	14 November 2002	CRC/C/104/Add.4	
Madagascar	17 April 1998	12 February 2001	CRC/C/70/Add.18	
Malawi	31 January 1998			
Malaysia	18 March 2002			
Maldives	12 March 1998			
Mali	19 October 1997			
Malta	29 October 1997			
Marshall Islands	2 November 2000			
Mauritania	14 June 1998			
Mauritius	1 September 1997			
Mexico	20 October 1997	14 January 1998	CRC/C/65/Add.6 and Add.16	
Micronesia (Federated States of)	3 June 2000			
Monaco	20 July 2000			
Mongolia	1 September 1997	6 May 2003	CRC/C/65/Add.32	

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Morocco	20 July 2000	13 October 2000	CRC/C/93/Add.3	
Mozambique	25 May 2001			
Myanmar	13 August 1998	11 June 2002	CRC/C/70/Add.21	
Namibia	29 October 1997			
Nauru	25 August 2001			
Nepal	13 October 1997	4 March 2003	CRC/C/65/Add.30	
Netherlands	6 March 2002	21 February 2002	CRC/C/117/Add.1	
New Zealand	5 May 2000	19 February 2001	CRC/C/93/Add.4	
Nicaragua	3 November 1997	12 November 1997	CRC/C/65/Add.4 and Add.14	
Niger	29 October 1997			
Nigeria	18 May 1998			
Niue	18 January 2003			
Norway	6 February 1998	1 July 1998	CRC/C/70/Add.2	
Oman	7 January 2004			
Pakistan	11 December 1997	19 January 2001	CRC/C/65/Add.21	
Palau	3 September 2002			
Panama	10 January 1998	27 March 2002	CRC/C/70/Add.20	
Papua New Guinea	30 March 2000			Consolidated second and third report before 30 September 2008
Paraguay	24 October 1997	12 October 1998	CRC/C/65/Add.12	
Peru	3 October 1997	25 March 1998	CRC/C/65/Add.8	
Philippines	19 September 1997	23 April 2003	CRC/C/65/Add.31	
Poland	6 July 1998	2 December 1999	CRC/C/70/Add.12	
Portugal	20 October 1997	8 October 1998	CRC/C/65/Add.11	
Qatar	2 May 2002			
Republic of Korea	19 December 1998	1 May 2000	CRC/C/70/Add.14	

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Republic of Moldova	24 February 2000			Consolicated second and third report before 24 February 2005
Romania	27 October 1997	18 January 2000	CRC/C/65/Add.19	
Russian Federation	14 September 1997	12 January 1998	CRC/C/65/Add.5	
Rwanda	22 February 1998	27 June 2002	CRC/C/70/Add.22	
Saint Kitts and Nevis	1 September 1997			
Saint Lucia	15 July 2000			
Saint Vincent and the Grenadines	24 November 2000			
Samoa	28 December 2001			
San Marino	24 December 1998			Consolicated second, third and fourth report before 24 December 2008
Sao Tome and Principe	24 June 1998			
Saudi Arabia	24 February 2003	12 November 2003	CRC/C/136/Add.1	
Senegal	1 September 1997			
Serbia and Montenegro[a]	1 February 1998			
Seychelles	6 October 1997			Consolicated second, third and fourth report before 6 October 2007
Sierra Leone	1 September 1997			
Singapore	3 November 2002			Consolidated second and third report before 3 November 2007
Slovakia	31 December 1999			
Slovenia	24 June 1998	18 September 2001	CRC/C/70/Add.19	
Solomon Islands	9 May 2002			Consolidated second and third report before 9 May 2007
South Africa	15 July 2002			

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Spain	4 January 1998	1 June 1999	CRC/C/70/Add.9	
Sri Lanka	10 August 1998	21 September 2000	CRC/C/70/Add.17	
Sudan	1 September 1997	7 July 1999	CRC/C/65/Add.17	
Suriname	30 March 2000			
Swaziland	5 October 2002			
Sweden	1 September 1997	25 September 1997	CRC/C/65/Add.3	
Switzerland	25 March 2004			Consolidated second and third report before 25 September 2007
Syrian Arab Republic	13 August 2000	15 August 2000	CRC/C/93/Add.2	
Tajikistan	24 November 2000			
Thailand	25 April 1999			
The former Yugoslav Republic of Macedonia	16 September 1998			
Timor-Leste	15 April 2010			
Togo	1 September 1997	6 January 2003	CRC/C/65/Add.27	
Tonga	5 December 2002			
Trinidad and Tobago	3 January 1999	29 July 2003	CRC/C/83/Add.12	
Tunisia	28 February 1999	16 March 1999	CRC/C/83/Add.1	
Turkey	3 May 2002			
Turkmenistan	19 October 2000			
Tuvalu	21 October 2002			
Uganda	15 September 1997	2 August 2003	CRC/C/65/Add.33	
Ukraine	26 September 1998	12 August 1999	CRC/C/70/Add.11	
United Arab Emirates	1 February 2004			
United Kingdom of Great Britain and Northern Ireland	14 January 1999	14 September 1999	CRC/C/83/Add.3	
United Republic of Tanzania	9 July 1993			
Uruguay	19 December 1997			

B. Second periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Uzbekistan	28 July 2001			
Vanuatu	5 August 2000			
Venezuela	12 October 1997			
Viet Nam	1 September 1997	10 May 2000	CRC/C/65/Add.20	
Yemen	30 May 1998	7 October 1997	CRC/C/70/Add.1	
Zambia	4 January 1999			Consolidated second, third and fourth report before 4 January 2009
Zimbabwe	10 October 1997			

C. Third periodic report

State party	Date due	Date of submission	Symbol	Exceptional measures
Afghanistan	26 April 2006			
Albania	27 March 2004			
Algeria	15 May 2005			
Andorra	31 January 2008			
Angola	3 January 2003			
Antigua and Barbuda	3 November 2005			
Argentina	2 January 2003			Consolidated third and fourth report before 2 January 2008
Armenia	22 July 2005			Consolidated third and fourth report before 22 July 2009
Australia	15 January 2003	30 September 2003	CRC/C/129/Add.4	Consolidated second and third report before 15 January 2003
Austria	4 September 2004			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Azerbaijan	11 September 2004			
Bahamas	21 March 2003			
Bahrain	14 March 2004			
Bangladesh	1 September 2002			Consolidated third and fourth report before 1 September 2007
Barbados	6 November 2002			
Belarus	30 October 2002			
Belgium	14 January 2004			Consolidated third and fourth report before 15 July 2007
Belize	1 September 2002			
Benin	1 September 2002			
Bhutan	1 September 2002			
Bolivia	1 September 2002	13 November 2002	CRC/C/125/Add.2	
Bosnia and Herzegovina	5 March 2004			
Botswana	12 April 2007			
Brazil	23 October 2002			
Brunei Darussalam	25 January 2008			Consolidated second and third report before 25 July 2008
Bulgaria	2 July 2003			
Burkina Faso	29 September 2002			Consolidated third and fourth report before 28 July 2007
Burundi	17 November 2002			
Cambodia	13 November 2004			
Cameroon	9 February 2005			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Canada	11 January 2004			Consolidated third and fourth report before 11 January 2009
Cape Verde	3 July 2004			
Central African Republic	23 May 2004			
Chad	31 October 2002			
Chile	11 September 2002			
China	31 March 2004			
Colombia	26 February 2003			
Comoros	21 July 2005			
Congo	12 November 2005			
Cook Islands	5 July 2009			
Costa Rica	19 September 2002	10 July 2003	CRC/C/125/Add.5	
Côte d'Ivoire	5 March 2003			
Croatia	7 October 2003			
Cuba	19 September 2003			
Cyprus	8 March 2003			Consolidated third and fourth report before 8 March 2008
Czech Republic	31 December 2004			Consolidated third and fourth report before 30 June 2008
Democratic People's Republic of Korea	20 October 2002			
Democratic Republic of the Congo	26 October 2002			
Denmark	17 August 2003	20 August 2003	CRC/C/129/Add.3	
Djibouti	4 January 2003			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Dominica	11 April 2003			
Dominican Republic	10 July 2003			
Ecuador	1 September 2002	21 January 2003	CRC/C/65/Add.28	Consolidated second and third report before 1 September 2002
Egypt	2 September 2002			
El Salvador	1 September 2002			
Equatorial Guinea	14 July 2004			
Eritrea	1 September 2006			Consolidated second and third report before 1 September 2006
Estonia	19 November 2003			Consolidated second, third and fourth report before 1 November 2008
Ethiopia	12 June 2003			
Fiji	11 September 2005			
Finland	19 July 2003	26 November 2003	CRC/C/129/Add.5	
France	5 September 2002			
Gabon	10 March 2006			
Gambia	6 September 2002			
Georgia	1 July 2006			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Germany	4 April 2004			Consolidated third and fourth report before 4 April 2009
Ghana	1 September 2002			
Greece	9 June 2005			
Grenada	4 December 2002			
Guatemala	1 September 2002	7 April 2003 (will be considered as part of the consolidated third and fourth report)		The Committee on the Rights of the Child requested Guatemala to submit a consolidated third and fourth report before 1 March 2006
Guinea	1 September 2002			
Guinea-Bissau	18 September 2002			
Guyana	12 February 2003			Consolidated second, third and fourth report before 12 February 2008
Haiti	7 July 2007			Consolidated second and third report before 7 July 2007
Holy See	1 September 2002			
Honduras	8 September 2002			
Hungary	5 November 2003			
Iceland	26 November 2004			Consolidated third and fourth report before 28 May 2008
India	10 January 2005			Consolidated third and fourth report before 10 July 2008
Indonesia	4 October 2002			Consolidated third and fourth report before 4 October 2007

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Iran (Islamic Republic of)	11 August 2006			
Iraq	14 July 2006			
Ireland	27 October 2004			
Israel	1 November 2003			Consolidated second, third and fourth report before 1 November 2008
Italy	4 October 2003			Consolidated third and fourth report before 4 October 2008
Jamaica	12 June 2003			Consolidated third and fourth report before 12 June 2008
Japan	21 May 2006			
Jordan	22 June 2003			
Kazakhstan	10 September 2006			Consolidated second and third report before 10 September 2006
Kenya	1 September 2002			
Kiribati	9 January 2008			
Kuwait	19 November 2003			
Kyrgyzstan	6 November 2006			
Lao People's Democratic Republic	6 June 2003			
Latvia	13 May 2004			
Lebanon	12 June 2003			
Lesotho	8 April 2004			
Liberia	3 July 2005			
Libyan Arab Jamahiriya	14 May 2005			Consolidated third and fourth report before 14 November 2008
Liechtenstein	20 January 2008			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Lithuania	28 February 2004			
Luxembourg	5 April 2006			
Madagascar	17 April 2003			Consolidated third and fourth report before 17 April 2008
Malawi	31 January 2003			
Malaysia	18 March 2007			
Maldives	12 March 2003			
Mali	19 October 2002			
Malta	29 October 2002			
Marshall Islands	2 November 2005			
Mauritania	14 June 2003			
Mauritius	1 September 2002			
Mexico	20 October 2002			
Micronesia (Federated States of)	3 June 2005			
Monaco	20 July 2005			
Mongolia	1 September 2002			
Morocco	20 July 2005			Consolidated third and fourth report before 20 January 2009
Mozambique	25 May 2006			
Myanmar	13 August 2003			
Namibia	29 October 2002			
Nauru	25 August 2006			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Nepal	13 October 2002			
Netherlands	6 March 2007			
New Zealand	5 May 2005			Consolidated third and fourth report before 5 November 2008
Nicaragua	3 November 2002	1 May 2003	CRC/C/125/Add.3	
Niger	29 October 2002			
Nigeria	18 May 2003			
Niue	18 January 2008			
Norway	6 February 2003	24 April 2003	CRC/C/129/Add.1	
Oman	7 January 2009			
Pakistan	11 December 2002			Consolidated third and fourth report before 11 December 2007
Palau	3 September 2007			
Panama	10 January 2003			
Papua New Guinea	30 March 2005			Consolidated second and third report before 30 September 2008
Paraguay	24 October 2002			
Peru	3 October 2002	28 January 2004	CRC/C/125/Add.6	
Philippines	19 September 2002			
Poland	6 July 2003			Consolidated third and fourth report before 7 July 2008
Portugal	20 October 2002			
Qatar	2 May 2007			
Republic of Korea	19 December 2003			Consolidated third and fourth report before 19 December 2008

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Republic of Moldova	24 February 2005			
Romania	27 October 2002			Consolidated third and fourth report before 27 October 2007
Russian Federation	14 September 2002	18 August 2003	CRC/C/125/Add.5	
Rwanda	22 February 2003			
Saint Kitts and Nevis	1 September 2002			
Saint Lucia	15 July 2005			
Saint Vincent and the Grenadines	24 November 2005			
Samoa	28 December 2006			
San Marino	24 December 2003			Consolidated second, third and fourth report before 24 December 2008
Sao Tome and Principe	24 June 2003			
Saudi Arabia	24 February 2008			
Senegal	1 September 2002			
Serbia and Montenegro[a]	1 February 2003			
Seychelles	6 October 2002			
Sierra Leone	1 September 2002			
Singapore	3 November 2007			Consolidated second and third report before 3 November 2007
Slovakia	31 December 2004			
Slovenia	24 June 2003			Consolidated third and fourth report before 24 June 2008
Solomon Islands	9 May 2007			Consolidated second and third report before 9 May 2007
South Africa	15 July 2007			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Spain	4 January 2003			
Sri Lanka	10 August 2003			Consolidated third and fourth report before 10 August 2008
Sudan	1 September 2002			Consolidated third and fourth report before 1 September 2007
Suriname	30 March 2005			
Swaziland	5 October 2007			
Sweden	1 September 2002	11 November 2002	CRC/C/125/Add.1	
Switzerland	25 March 2009			Consolidated second and third report before 25 September 2007
Syrian Arab Republic	13 August 2005			Consolidated third and fourth report before 13 February 2009
Tajikistan	24 November 2005			
Thailand	25 April 2004			
The former Yugoslav Republic of Macedonia	16 September 2003			
Timor-Leste	15 April 2015			
Togo	1 September 2002			
Tonga	5 December 2007			
Trinidad and Tobago	3 January 2004			
Tunisia	28 February 2004			
Turkey	3 May 2007			
Turkmenistan	19 October 2005			
Tuvalu	21 October 2007			
Uganda	15 September 2002			

C. Third periodic report (*continued*)

State party	Date due	Date of submission	Symbol	Exceptional measures
Ukraine	26 September 2003			Consolidated third and fourth report before 26 September 2008
United Arab Emirates	1 February 2009			
United Kingdom of Great Britain and Northern Ireland	14 January 2004			Consolidated third and fourth report before 15 July 2007
United Republic of Tanzania	9 July 2003			
Uruguay	19 December 2002			
Uzbekistan	28 July 2006			
Vanuatu	5 August 2005			
Venezuela	12 October 2002			
Viet Nam	1 September 2002			Consolidated third and fourth report before 1 September 2007
Yemen	30 May 2003	7 May 2003	CRC/C/129/Add.2	
Zambia	4 January 2004			Consolidated second, third and fourth report before 4 January 2009
Zimbabwe	10 October 2002			

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[a] As of 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro for all official purposes within the United Nations.

Annex VI

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION OF REPORTS UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, AS AT 29 MARCH 2004

A. Initial report

State party	Date due	Date of submission	Symbol
Afghanistan	24 October 2005		
Andorra	12 February 2004		
Argentina	10 October 2004		
Austria	1 March 2004		
Azerbaijan	3 August 2004		
Bangladesh	12 February 2004		
Belgium	6 June 2004		
Belize	1 January 2006		
Bosnia and Herzegovina	10 November 2005		
Brazil	27 February 2006		
Bulgaria	12 March 2004		
Canada	12 February 2004		
Cape Verde	10 June 2004		
Chad	28 September 2004		
Chile	31 August 2005		
Costa Rica	24 February 2005		
Croatia	1 December 2004		
Czech Republic	12 February 2004		
Democratic Republic of the Congo	12 February 2004		
Denmark	27 September 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
Dominica	20 October 2004		
El Salvador	18 May 2004		
Finland	10 May 2004		
France	5 March 2005		
Greece	22 November 2005		
Guatemala	9 June 2004		
Holy See	12 February 2004		
Honduras	14 September 2004		
Iceland	12 February 2004		
Ireland	18 December 2004		
Italy	9 June 2004		
Jamaica	9 June 2004		
Kazakhstan	10 May 2005		
Kenya	28 February 2004		
Kyrgyzstan	13 September 2005		
Lesotho	24 October 2005		
Lithuania	20 March 2005		
Mali	16 June 2004		
Malta	9 June 2004		
Mexico	15 April 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
Monaco	12 February 2004		
Morocco	22 June 2004		
Namibia	16 May 2004		
New Zealand	12 February 2004	15 July 2003	CRC/C/OPAC/NZL/1
Norway	23 October 2005		
Panama	12 February 2004		
Paraguay	27 October 2004		
Peru	8 June 2004		
Philippines	26 September 2005		
Portugal	19 September 2005		
Qatar	25 August 2004		
Romania	12 February 2004		
Rwanda	23 May 2004		
Senegal	3 April 2006		
Serbia and Montenegro[a]	28 February 2005		
Sierra Leone	15 June 2004		
Spain	8 April 2004		
Sri Lanka	12 February 2004		
Sweden	20 March 2005		
Switzerland	26 July 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
Syrian Arab Republic	17 November 2005		
Tajikistan	5 September 2004		
The former Yugoslav Republic of Macedonia	12 February 2006		
Tunisia	2 February 2005		
Uganda	6 June 2004		
United Kingdom of Great Britain and Northern Ireland	24 July 2005		
United States of America	23 January 2005		
Uruguay	9 October 2005		
Venezuela	23 October 2005		
Viet Nam	12 February 2004		

Annex VII

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION OF REPORTS UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS AT 29 MARCH 2004

A. Initial report

State party	Date due	Date of submission	Symbol
Afghanistan	19 October 2004		
Andorra	18 January 2004		
Antigua and Barbuda	30 May 2004		
Argentina	25 October 2005		
Azerbaijan	3 August 2004		
Bangladesh	18 January 2004		
Belarus	23 February 2004		
Belize	1 January 2006		
Bolivia	3 July 2005		
Bosnia and Herzegovina	4 October 2004		
Botswana	24 October 2005		
Brazil	27 February 2006		
Bulgaria	12 March 2004		
Cambodia	30 June 2004		
Cape Verde	10 June 2004		
Chad	28 September 2004		
Chile	6 March 2005		
China	3 January 2005		
Colombia	11 December 2005		
Costa Rica	9 May 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
Croatia	13 June 2004		
Cuba	18 January 2004		
Democratic Republic of the Congo	18 January 2004		
Denmark	24 August 2005		
Dominica	20 October 2004		
Ecuador	28 February 2006		
Egypt	12 August 2004		
Equatorial Guinea	7 March 2005		
France	5 March 2005		
Guatemala	9 June 2004		
Holy See	18 January 2004		
Honduras	8 June 2004		
Iceland	18 January 2004		
Italy	9 June 2004		
Kazakhstan	18 January 2004		
Kyrgyzstan	12 March 2005		
Lesotho	24 October 2005		
Maldives	10 June 2004		
Mali	16 June 2004		
Mexico	15 April 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
Mongolia	27 July 2005		
Morocco	18 January 2004		
Mozambique	6 April 2005		
Namibia	16 May 2004		
Norway	18 January 2004		
Panama	18 January 2004		
Paraguay	18 September 2005		
Peru	8 June 2004		
Philippines	28 June 2004		
Portugal	16 June 2005		
Qatar	18 January 2004		
Romania	18 January 2004		
Rwanda	14 April 2004		
Senegal	5 December 2005		
Serbia and Montenegro[a]	10 November 2004		
Sierra Leone	18 January 2004		
South Africa	30 July 2005		
Spain	18 January 2004		
Syrian Arab Republic	15 June 2005		
Tajikistan	5 September 2004		

A. Initial report (*continued*)

State party	Date due	Date of submission	Symbol
The former Yugoslav Republic of Macedonia	17 November 2005		
Timor Leste	16 May 2005		
Tunisia	13 October 2004		
Turkey	19 September 2004		
Uganda	18 January 2004		
Ukraine	3 August 2005		
United States of America	23 January 2005		
United Republic of Tanzania	24 May 2005		
Uruguay	3 August 2005		
Venezuela	8 June 2004		
Viet Nam	20 January 2004		

Annex VIII

GENERAL COMMENT No. 2 (2002)

The role of independent national human rights institutions in the promotion and protection of the rights of the child

1. Article 4 of the Convention on the Rights of the Child obliges States parties to "undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention". Independent national human rights institutions (NHRIs) are an important mechanism to promote and ensure the implementation of the Convention, and the Committee on the Rights of the Child considers the establishment of such bodies to fall within the commitment made by States parties upon ratification to ensure the implementation of the Convention and advance the universal realization of children's rights. In this regard, the Committee has welcomed the establishment of NHRIs and children's ombudspersons/children's commissioners and similar independent bodies for the promotion and monitoring of the implementation of the Convention in a number of States parties.

2. The Committee issues this general comment in order to encourage States parties to establish an independent institution for the promotion and monitoring of implementation of the Convention and to support them in this regard by elaborating the essential elements of such institutions and the activities which should be carried out by them. Where such institutions have already been established, the Committee calls upon States to review their status and effectiveness for promoting and protecting children's rights, as enshrined in the Convention on the Rights of the Child and other relevant international instruments.

3. The World Conference on Human Rights, held in 1993, in the Vienna Declaration and Programme of Action reaffirmed "... the important and constructive role played by national institutions for the promotion and protection of human rights", and encouraged "... the establishment and strengthening of national institutions". The General Assembly and the Commission on Human Rights have repeatedly called for the establishment of national human rights institutions, underlining the important role NHRIs play in promoting and protecting human rights and enhancing public awareness of those rights. In its general guidelines for periodic reports, the Committee requires that States parties furnish information on "any independent body established to promote and protect the rights of the child ...",[a] hence, it consistently addresses this issue during its dialogue with States parties.

4. NHRIs should be established in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (The "Paris Principles") adopted by the General Assembly in 1993[b] transmitted by the Commission on Human Rights in 1992.[c] These minimum standards provide guidance for the establishment, competence, responsibilities, composition, including pluralism, independence, methods of operation, and quasi-judicial activities of such national bodies.

5. While adults and children alike need independent NHRIs to protect their human rights, additional justifications exist for ensuring that children's human rights are given special attention. These include the facts that children's developmental state makes them particularly vulnerable to human rights violations; their opinions are still rarely taken into account; most

children have no vote and cannot play a meaningful role in the political process that determines Governments' response to human rights; children encounter significant problems in using the judicial system to protect their rights or to seek remedies for violations of their rights; and children's access to organizations that may protect their rights is generally limited.

6. Specialist independent human rights institutions for children, ombudspersons or commissioners for children's rights have been established in a growing number of States parties. Where resources are limited, consideration must be given to ensuring that the available resources are used most effectively for the promotion and protection of everyone's human rights, including children's, and in this context development of a broad-based NHRI that includes a specific focus on children is likely to constitute the best approach. A broad-based NHRI should include within its structure either an identifiable commissioner specifically responsible for children's rights, or a specific section or division responsible for children's rights.

7. It is the view of the Committee that every State needs an independent human rights institution with responsibility for promoting and protecting children's rights. The Committee's principal concern is that the institution, whatever its form, should be able, independently and effectively, to monitor, promote and protect children's rights. It is essential that promotion and protection of children's rights is "mainstreamed" and that all human rights institutions existing in a country work closely together to this end.

Mandate and powers

8. NHRIs should, if possible, be constitutionally entrenched and must at least be legislatively mandated. It is the view of the Committee that their mandate should include as broad a scope as possible for promoting and protecting human rights, incorporating the Convention on the Rights of the Child, its Optional Protocols and other relevant international human rights instruments - thus effectively covering children's human rights, in particular their civil, political, economic, social and cultural rights. The legislation should include provisions setting out specific functions, powers and duties relating to children linked to the Convention on the Rights of the Child and its Optional Protocols. If the NHRI was established before the existence of the Convention, or without expressly incorporating it, necessary arrangements, including the enactment or amendment of legislation, should be put in place so as to ensure conformity of the institution's mandate with the principles and provisions of the Convention.

9. NHRIs should be accorded such powers as are necessary to enable them to discharge their mandate effectively, including the power to hear any person and obtain any information and document necessary for assessing the situations falling within their competence. These powers should include the promotion and protection of the rights of all children under the jurisdiction of the State party in relation not only to the State but to all relevant public and private entities.

Establishment process

10. The NHRI establishment process should be consultative, inclusive and transparent, initiated and supported at the highest levels of Government and inclusive of all relevant elements of the State, the legislature and civil society. In order to ensure their independence and effective functioning, NHRIs must have adequate infrastructure, funding (including specifically for children's rights, within broad-based institutions), staff, premises, and freedom from forms of financial control that might affect their independence.

Resources

11. While the Committee acknowledges that this is a very sensitive issue and that State parties function with varying levels of economic resources, the Committee believes that it is the duty of States to make reasonable financial provision for the operation of national human rights institutions in light of article 4 of the Convention. The mandate and powers of national institutions may be meaningless, or the exercise of their powers limited, if the national institution does not have the means to operate effectively to discharge its powers.

Pluralistic representation

12. NHRIs should ensure that their composition includes pluralistic representation of the various elements of civil society involved in the promotion and protection of human rights. They should seek to involve, among others, the following: human rights, anti-discrimination and children's rights non-governmental organizations (NGOs), including child- and youth-led organizations; trade unions; social and professional organizations (of doctors, lawyers, journalists, scientists, etc.); universities and experts, including children's rights experts. Government departments should be involved in an advisory capacity only. NHRIs should have appropriate and transparent appointment procedures, including an open and competitive selection process.

Providing remedies for breaches of children's rights

13. NHRIs must have the power to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children. In order to be able to effectively carry out such investigations, they must have the powers to compel and question witnesses, access relevant documentary evidence and access places of detention. They also have a duty to seek to ensure that children have effective remedies - independent advice, advocacy and complaints procedures - for any breaches of their rights. Where appropriate, NHRIs should undertake mediation and conciliation of complaints.

14. NHRIs should have the power to support children taking cases to court, including the power (a) to take cases concerning children's issues in the name of the NHRI and (b) to intervene in court cases to inform the court about the human rights issues involved in the case.

Accessibility and participation

15. NHRIs should be geographically and physically accessible to all children. In the spirit of article 2 of the Convention, they should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged, such as (but not limited to) children in care or detention, children from minority and indigenous groups, children with disabilities, children living in poverty, refugee and migrant children, street children and children with special needs in areas such as culture, language, health and education. NHRI legislation should include the right of the institution to have access in conditions of privacy to children in all forms of alternative care and to all institutions that include children.

16. NHRIs have a key role to play in promoting respect for the views of children in all matters affecting them, as articulated in article 12 of the Convention, by Government and throughout society. This general principle should be applied to the establishment, organization

and activities of national human rights institutions. Institutions must ensure that they have direct contact with children and that children are appropriately involved and consulted. Children's councils, for example, could be created as advisory bodies for NHRIs to facilitate the participation of children in matters of concern to them.

17. NHRIs should devise specially tailored consultation programmes and imaginative communication strategies to ensure full compliance with article 12 of the Convention. A range of suitable ways in which children can communicate with the institution should be established.

18. NHRIs must have the right to report directly, independently and separately on the state of children's rights to the public and to parliamentary bodies. In this respect, States parties must ensure that an annual debate is held in Parliament to provide parliamentarians with an opportunity to discuss the work of the NHRI in respect of children's rights and the State's compliance with the Convention.

Recommended activities

19. The following is an indicative, but not exhaustive, list of the types of activities which NHRIs should carry out in relation to the implementation of children's rights in light of the general principles of the Convention. They should:

(a) Undertake investigations into any situation of violation of children's rights, on complaint or on their own initiative, within the scope of their mandate;

(b) Conduct inquiries on matters relating to children's rights;

(c) Prepare and publicize opinions, recommendations and reports, either at the request of national authorities or on their own initiative, on any matter relating to the promotion and protection of children's rights;

(d) Keep under review the adequacy and effectiveness of law and practice relating to the protection of children's rights;

(e) Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols and other international human rights instruments relevant to children's rights and promote their effective implementation, including through the provision of advice to public and private bodies in construing and applying the Convention;

(f) Ensure that national economic policy makers take children's rights into account in setting and evaluating national economic and development plans;

(g) Review and report on the Government's implementation and monitoring of the state of children's rights, seeking to ensure that statistics are appropriately disaggregated and other information collected on a regular basis in order to determine what must be done to realize children's rights;

(h) Encourage ratification of or accession to any relevant international human rights instruments;

(i) In accordance with article 3 of the Convention requiring that the best interests of children should be a primary consideration in all actions concerning them, ensure that the impact of laws and policies on children is carefully considered from development to implementation and beyond;

(j) In light of article 12, ensure that the views of children are expressed and heard on matters concerning their human rights and in defining issues relating to their rights;

(k) Advocate for and facilitate meaningful participation by children's rights NGOs, including organizations comprised of children themselves, in the development of domestic legislation and international instruments on issues affecting children;

(l) Promote public understanding and awareness of the importance of children's rights and, for this purpose, work closely with the media and undertake or sponsor research and educational activities in the field;

(m) In accordance with article 42 of the Convention which obligates State parties to "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike", sensitize the Government, public agencies and the general public to the provisions of the Convention and monitor ways in which the State is meeting its obligations in this regard;

(n) Assist in the formulation of programmes for the teaching of, research into and integration of children's rights in the curricula of schools and universities and in professional circles;

(o) Undertake human rights education which specifically focuses on children (in addition to promoting general public understanding about the importance of children's rights);

(p) Take legal proceedings to vindicate children's rights in the State or provide legal assistance to children;

(q) Engage in mediation or conciliation processes before taking cases to court, where appropriate;

(r) Provide expertise in children's rights to the courts, in suitable cases as amicus curiae or intervenor;

(s) In accordance with article 3 of the Convention which obliges States parties to "ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision", undertake visits to juvenile homes (and all places where children are detained for reform or punishment) and care institutions to report on the situation and to make recommendations for improvement;

(t) Undertake such other activities as are incidental to the above.

Reporting to the Committee on the Rights of the Child and cooperation between NHRIs and United Nations agencies and human rights mechanisms

20. NHRIs should contribute independently to the reporting process under the Convention and other relevant international instruments and monitor the integrity of government reports to international treaty bodies with respect to children's rights, including through dialogue with the Committee on the Rights of the Child at its pre-sessional working group and with other relevant treaty bodies.

21. The Committee requests that States parties include detailed information on the legislative basis and mandate and principal relevant activities of NHRIs in their reports to the Committee. It is appropriate for States parties to consult with independent human rights institutions during the preparation of reports to the Committee. However, States parties must respect the independence of these bodies and their independent role in providing information to the Committee. It is not appropriate to delegate to NHRIs the drafting of reports or to include them in the government delegation when reports are examined by the Committee.

22. NHRIs should also cooperate with the special procedures of the Commission on Human Rights, including country and thematic mechanisms, in particular the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General for Children and Armed Conflict.

23. The United Nations has a long-standing programme of assistance for the establishment and strengthening of national human rights institutions. This programme, which is based in the Office of the High Commissioner for Human Rights (OHCHR), provides technical assistance and facilitates regional and global cooperation and exchanges among national human rights institutions. States parties should avail themselves of this assistance where necessary. The United Nations Children's Fund (UNICEF) also offers expertise and technical cooperation in this area.

24. As articulated in article 45 of the Convention, the Committee may also transmit, as it considers appropriate, to any specialized United Nations agency, OHCHR and any other competent body any reports from States parties that contain a request or indicate a need for technical advice or assistance in the establishment of NHRIs.

NHRIs and States parties

25. The State ratifies the Convention on the Rights of the Child and takes on obligations to implement it fully. The role of NHRIs is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights. While this may require the institution to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution. It is essential that institutions remain entirely free to set their own agenda and determine their own activities.

NHRIs and NGOs

26. Non-governmental organizations play a vital role in promoting human rights and children's rights. The role of NHRIs, with their legislative base and specific powers, is complementary. It is essential that institutions work closely with NGOs and that Governments respect the independence of both NHRIs and NGOs.

Regional and international cooperation

27. Regional and international processes and mechanisms can strengthen and consolidate NHRIs through shared experience and skills, as NHRIs share common problems in the promotion and protection of human rights in their respective countries.

28. In this respect, NHRIs should consult and cooperate with relevant national, regional and international bodies and institutions on children's rights issues.

29. Children's human rights issues are not constrained by national borders and it has become increasingly necessary to devise appropriate regional and international responses to a variety of child rights issues (including, but not limited to, the trafficking of women and children, child pornography, child soldiers, child labour, child abuse, refugee and migrant children, etc.). International and regional mechanisms and exchanges are encouraged, as they provide NHRIs with an opportunity to learn from each other's experience, collectively strengthen each other's positions and contribute to resolving human rights problems affecting both countries and regions.

Notes

[a] General guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convelntion (CRC/C/58), para. 18.

[b] Principles relating to the status of national institutions for the promotion and protection of human rights (The "Paris Principles"), General Assembly resolution 48/134 of 20 December 1993, annex.

[c] Commission on Human Rights resolution 1992/54 of 3 March 1992, annex.

Annex IX

GENERAL COMMENT No. 3 (2003)

HIV/AIDS and the rights of the child

I. INTRODUCTION*

1. The HIV/AIDS epidemic has drastically changed the world in which children live. Millions of children have been infected and have died and many more are gravely affected as HIV spreads through their families and communities. The epidemic impacts on the daily life of younger children, and increases the victimization and marginalization of children, especially those living in particularly difficult circumstances. HIV/AIDS is not a problem of some countries but of the entire world. To truly bring its impact on children under control will require concerted and well-targeted efforts from all countries at all stages of development.

2. Initially children were considered to be only marginally affected by the epidemic. However, the international community has discovered that, unfortunately, children are at the heart of the problem. According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the most recent trends are alarming: in most parts of the world the majority of new infections are among young people between the ages of 15 and 24, sometimes younger. Women, including young girls, are also increasingly becoming infected. In most regions of the world, the vast majority of infected women do not know that they are infected and may unknowingly infect their children. Consequently, many States have recently registered an increase in their infant and child mortality rates. Adolescents are also vulnerable to HIV/AIDS because their first sexual experience may take place in an environment in which they have no access to proper information and guidance. Children who use drugs are at high risk.

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* At its seventeenth session (1998), the Committee on the Rights of the Child held a day of general discussion on the theme of HIV/AIDS and children's rights, in which it recommended that a number of actions be taken, including facilitating the engagement of States parties on HIV/AIDS issues in relation to the rights of the child. Human rights in relation to HIV/AIDS has also been discussed at the Eighth Meeting of Persons Chairing the Human Rights Treaty Bodies in 1997 and has been taken up by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. Similarly, HIV/AIDS has been discussed annually by the Commission on Human Rights for over a decade. UNAIDS and the United Nations Children's Fund (UNICEF) have emphasized the rights of the child in relation to HIV/AIDS in all aspects of their work, and the World AIDS Campaign for 1997 focused on "Children Living in a World with AIDS" and for 1998 on "Force for Change: World AIDS Campaign with Young People". UNAIDS and the Office of the United Nations High Commissioner for Human Rights have also produced *The International Guidelines on HIV/AIDS and Human Rights* (1998) and its *Revised Guideline 6* (2002) to promote and protect human rights in the context of HIV/AIDS. At the international political level, HIV/AIDS-related rights have been recognized in the *Declaration of Commitment on HIV/AIDS*, adopted at the United Nations General Assembly special session, *A World Fit for Children*, adopted at the United Nations General Assembly special session on children, and in other international and regional documents.

3. Yet, all children can be rendered vulnerable by the particular circumstances of their lives, especially (a) children who are themselves HIV-infected; (b) children who are affected by the epidemic because of the loss of a parental caregiver or teacher and/or because their families or communities are severely strained by its consequences; and (c) children who are most prone to be infected or affected.

II. THE OBJECTIVES OF THE PRESENT GENERAL COMMENT

4. The objectives of the present general comment are:

(a) To identify further and strengthen understanding of all the human rights of children in the context of HIV/AIDS;

(b) To promote the realization of the human rights of children in the context of HIV/AIDS, as guaranteed under the Convention on the Rights of the Child (hereafter "the Convention");

(c) To identify measures and good practices to increase the level of implementation by States of the rights related to the prevention of HIV/AIDS and the support, care and protection of children infected with or affected by this pandemic;

(d) To contribute to the formulation and promotion of child-oriented plans of action, strategies, laws, polices and programmes to combat the spread and mitigate the impact of HIV/AIDS at the national and international levels.

III. THE CONVENTION'S PERSPECTIVES ON HIV/AIDS: THE HOLISTIC CHILD RIGHTS-BASED APPROACH

5. The issue of children and HIV/AIDS is perceived as mainly a medical or health problem, although in reality it involves a much wider range of issues. In this regard, the right to health (article 24 of the Convention) is, however, central. But HIV/AIDS impacts so heavily on the lives of all children that it affects all their rights - civil, political, economic, social and cultural. The rights embodied in the general principles of the Convention - the right to non-discrimination (art. 2), the right of the child to have his/her interest as a primary consideration (art. 3), the right to life, survival and development (art. 6) and the right to have his/her views respected (art. 12) - should therefore be the guiding themes in the consideration of HIV/AIDS at all levels of prevention, treatment, care and support.

6. Adequate measures to address HIV/AIDS can be undertaken only if the rights of children and adolescents are fully respected. The most relevant rights in this regard, in addition to those enumerated in paragraph 5 above, are the following: the right to access information and material aimed at the promotion of their social, spiritual and moral well-being and physical and mental health (art. 17); the right to preventive health care, sex education and family planning education and services (art. 24 (f)); the right to an appropriate standard of living (art. 27); the right to privacy (art. 16); the right not to be separated from parents (art. 9); the right to be protected from violence (art. 19); the right to special protection and assistance by the State (art. 20); the rights of children with disabilities (art. 23); the right to health (art. 24); the right to social security, including social insurance (art. 26); the right to education and leisure (arts. 28 and 31); the right to be protected from economic and sexual exploitation and abuse, and from illicit use of narcotic

drugs (arts. 32, 33, 34 and 36); the right to be protected from abduction, sale and trafficking as well as torture or other cruel, inhuman or degrading treatment or punishment (arts. 35 and 37); and the right to physical and psychological recovery and social reintegration (art. 39). Children are confronted with serious challenges to the above-mentioned rights as a result of the epidemic. The Convention, and in particular the four general principles with their comprehensive approach, provide a powerful framework for efforts to reduce the negative impact of the pandemic on the lives of children. The holistic rights-based approach required to implement the Convention is the optimal tool for addressing the broader range of issues that relate to prevention, treatment and care efforts.

A. The right to non-discrimination (art. 2)

7. Discrimination is responsible for heightening the vulnerability of children to HIV and AIDS, as well as seriously impacting the lives of children who are affected by HIV/AIDS, or are themselves HIV infected. Girls and boys of parents living with HIV/AIDS are often victims of stigma and discrimination as they too are often assumed to be infected. As a result of discrimination, children are denied access to information, education (see the Committee's general comment No. 1 on the aims of education), health or social care services or community life. At its extreme, discrimination against HIV-infected children has resulted in their abandonment by their family, community and/or society. Discrimination also fuels the epidemic by making children in particular those belonging to certain groups like children living in remote or rural areas where services are less accessible, more vulnerable to infection. These children are thus doubly victimized.

8. Of particular concern is gender-based discrimination combined with taboos or negative or judgemental attitudes to sexual activity of girls, often limiting their access to preventive measures and other services. Of concern also is discrimination based on sexual orientation. In the design of HIV/AIDS-related strategies, and in keeping with their obligations under the Convention, States parties must give careful consideration to prescribed gender norms within their societies with a view to eliminating gender-based discrimination as these norms impact on the vulnerability of both girls and boys to HIV/AIDS. States parties should, in particular, recognize that discrimination in the context of HIV/AIDS often impacts girls more severely than boys.

9. All the above-mentioned discriminatory practices are violations of children's rights under the Convention. Article 2 of the Convention obliges States parties to ensure all the rights set forth in the Convention without discrimination of any kind, "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". The Committee interprets "other status" under article 2 of the Convention to include HIV/AIDS status of the child or his/her parent(s). Laws, policies, strategies and practices should address all forms of discrimination that contribute to increasing the impact of the epidemic. Strategies should also promote education and training programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS.

B. Best interests of the child (art. 3)

10. Policies and programmes for the prevention, care and treatment of HIV/AIDS have generally been designed for adults with scarce attention to the principle of the best interests of

the child as a primary consideration. Article 3, paragraph 1, of the Convention states "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." The obligations attached to this right are fundamental to guiding the action of States in relation to HIV/AIDS. The child should be placed at the centre of the response to the pandemic, and strategies should be adapted to children's rights and needs.

C. The right to life, survival and development (art. 6)

11. Children have the right not to have their lives arbitrarily taken, as well as to benefit from economic and social policies that will allow them to survive into adulthood and develop in the broadest sense of the word. State obligation to realize the right to life, survival and development also highlights the need to give careful attention to sexuality as well as to the behaviours and lifestyles of children, even if they do not conform with what society determines to be acceptable under prevailing cultural norms for a particular age group. In this regard, the female child is often subject to harmful traditional practices, such as early and/or forced marriage, which violate her rights and make her more vulnerable to HIV infection, including because such practices often interrupt access to education and information. Effective prevention programmes are only those that acknowledge the realities of the lives of adolescents, while addressing sexuality by ensuring equal access to appropriate information, life skills, and to preventive measures.

D. The right to express views and have them taken into account (art. 12)

12. Children are rights holders and have a right to participate, in accordance with their evolving capacities, in raising awareness by speaking out about the impact of HIV/AIDS on their lives and in the development of HIV/AIDS policies and programmes. Interventions have been found to benefit children most when they are actively involved in assessing needs, devising solutions, shaping strategies and carrying them out rather than being seen as objects for whom decisions are made. In this regard, the participation of children as peer educators, both within and outside schools, should be actively promoted. States, international agencies and non-governmental organizations must provide children with a supportive and enabling environment to carry out their own initiatives, and to fully participate at both community and national levels in HIV policy and programme conceptualization, design, implementation, coordination, monitoring and review. A variety of approaches are likely to be necessary to ensure the participation of children from all sectors of society, including mechanisms which encourage children, consistent with their evolving capacities, to express their views, have them heard, and given due weight in accordance with their age and maturity (art. 12, para. 1). Where appropriate, the involvement of children living with HIV/AIDS in raising awareness, by sharing their experiences with their peers and others, is critical both to effective prevention and to reducing stigmatization and discrimination. States parties must ensure that children who participate in these awareness-raising efforts do so voluntarily, after being counselled, and that they receive both the social support and legal protection to allow them to lead normal lives during and after their involvement.

E. Obstacles

13. Experience has shown that many obstacles hinder effective prevention, delivery of care services and support for community initiatives on HIV/AIDS. These are mainly cultural, structural and financial. Denying that a problem exists, cultural practices and attitudes, including

taboos and stigmatization, poverty and patronizing attitudes towards children are just some of the obstacles that may block the political and individual commitment needed for effective programmes.

14. With regard to financial, technical and human resources, the Committee is aware that such resources may not be immediately available. However, concerning this obstacle, the Committee wishes to remind States parties of their obligations under article 4. It further notes that resource constraints should not be used by States parties to justify their failure to take any or enough of the technical or financial measures required. Finally, the Committee wishes to emphasize in this regard the essential role of international cooperation.

IV. PREVENTION, CARE, TREATMENT AND SUPPORT

15. The Committee wishes to stress that prevention, care, treatment and support are mutually reinforcing elements and provide a continuum within an effective response to HIV/AIDS.

A. Information on HIV prevention and awareness-raising

16. Consistent with the obligations of States parties in relation to the rights to health and information (arts. 24, 13 and 17), children should have the right to access adequate information related to HIV/AIDS prevention and care, through formal channels (e.g. through educational opportunities and child-targeted media) as well as informal channels (e.g. those targeting street children, institutionalized children or children living in difficult circumstances). States parties are reminded that children require relevant, appropriate and timely information which recognizes the differences in levels of understanding among them, is tailored appropriately to age level and capacity and enables them to deal positively and responsibly with their sexuality in order to protect themselves from HIV infection. The Committee wishes to emphasize that effective HIV/AIDS prevention requires States to refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, and that, consistent with their obligations to ensure the right to life, survival and development of the child (art. 6), States parties must ensure that children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.

17. Dialogue with community, family and peer counsellors, and the provision of "life skills" education within schools, including skills in communicating on sexuality and healthy living, have been found to be useful approaches to delivering HIV prevention messages to both girls and boys, but different approaches may be necessary to reach different groups of children. States parties must make efforts to address gender differences as they may impact on the access children have to prevention messages, and ensure that children are reached with appropriate prevention messages even if they face constraints due to language, religion, disability or other factors of discrimination. Particular attention must be paid to raising awareness among hard-to-reach populations. In this respect, the role of the mass media and/or oral tradition in ensuring that children have access to information and material, as recognized in article 17 of the Convention, is crucial both to providing appropriate information and to reducing stigmatization and discrimination. States parties should support the regular monitoring and evaluation of HIV/AIDS awareness campaigns to ascertain their effectiveness in providing information, reducing ignorance, stigmatization and discrimination, as well as addressing fear and misperceptions concerning HIV and its transmission among children, including adolescents.

B. The role of education

18. Education plays a critical role in providing children with relevant and appropriate information on HIV/AIDS, which can contribute to increased awareness and better understanding of this pandemic and prevent negative attitudes towards victims of HIV/AIDS (see also the Committee's general comment No. 1 on the aims of education). Furthermore, education can and should empower children to protect themselves from the risk of HIV infection. In this regard, the Committee wishes to remind States parties of their obligation to ensure that primary education is available to all children, whether infected, orphaned or otherwise affected by HIV/AIDS. In many communities where HIV has spread widely, children from affected families, in particular girls, are facing serious difficulties staying in school and the number of teachers and other school employees lost to AIDS is limiting and threatening to destroy the ability of children to access education. States parties must make adequate provision to ensure that children affected by HIV/AIDS can stay in school and ensure the qualified replacement of sick teachers so that children's regular attendance at schools is not affected, and that the right to education (art. 28) of all children living within these communities is fully protected.

19. States parties must make every effort to ensure that schools are safe places for children, which offer them security and do not contribute to their vulnerability to HIV infection. In accordance with article 34 of the Convention, States parties are under obligation to take all appropriate measures to prevent, inter alia, the inducement or coercion of a child to engage in any unlawful sexual activity.

C. Child and adolescent sensitive health services

20. The Committee is concerned that health services are generally still insufficiently responsive to the needs of children under 18 years of age, in particular adolescents. As the Committee has noted on numerous occasions, children are more likely to use services that are friendly and supportive, provide a wide range of services and information, are geared to their needs, give them the opportunity to participate in decisions affecting their health, are accessible, affordable, confidential and non-judgemental, do not require parental consent and are not discriminatory. In the context of HIV/AIDS and taking into account the evolving capacities of the child, States parties are encouraged to ensure that health services employ trained personnel who fully respect the rights of children to privacy (art. 16) and non-discrimination in offering them access to HIV-related information, voluntary counselling and testing, knowledge of their HIV status, confidential sexual and reproductive health services, and free or low-cost contraceptive, methods and services, as well as HIV-related care and treatment if and when needed, including for the prevention and treatment of health problems related to HIV/AIDS, e.g. tuberculosis and opportunistic infections.

21. In some countries, even when child- and adolescent-friendly HIV-related services are available, they are not sufficiently accessible to children with disabilities, indigenous children, children belonging to minorities, children living in rural areas, children living in extreme poverty or children who are otherwise marginalized within the society. In others, where the health system's overall capacity is already strained, children with HIV have been routinely denied access to basic health care. States parties must ensure that services are provided to the maximum extent possible to all children living within their borders, without discrimination, and that they sufficiently take into account differences in gender, age and the social, economic, cultural and political context in which children live.

D. HIV counselling and testing

22. The accessibility of voluntary, confidential HIV counselling and testing services, with due attention to the evolving capacities of the child, is fundamental to the rights and health of children. Such services are critical to children's ability to reduce the risk of contracting or transmitting HIV, to access HIV-specific care, treatment and support, and to better plan for their futures. Consistent with their obligation under article 24 of the Convention to ensure that no child is deprived of his or her right of access to necessary health services, States parties should ensure access to voluntary, confidential HIV counselling and testing for all children.

23. The Committee wishes to stress that, as the duty of States parties is first and foremost to ensure that the rights of the child are protected, States parties must refrain from imposing mandatory HIV/AIDS testing of children in all circumstances and ensure protection against it. While the evolving capacities of the child will determine whether consent is required from him or her directly or from his or her parent or guardian, in all cases, consistent with the child's right to receive information under articles 13 and 17 of the Convention, States parties must ensure that, prior to any HIV testing, whether by health-care providers in relation to children who are accessing health services for another medical condition or otherwise, the risks and benefits of such testing are sufficiently conveyed so that an informed decision can be made.

24. States parties must protect the confidentiality of HIV test results, consistent with the obligation to protect the right to privacy of children (art. 16), including within health and social welfare settings, and information on the HIV status of children may not be disclosed to third parties, including parents, without the child's consent.

E. Mother-to-child transmission

25. Mother-to-child transmission (MTCT) is responsible for the majority of HIV infections in infants and young children. Infants and young children can be infected with HIV during pregnancy, labour and delivery, and through breastfeeding. States parties are requested to ensure implementation of the strategies recommended by the United Nations agencies to prevent HIV infection in infants and young children. These include: (a) the primary prevention of HIV infection among parents-to-be; (b) the prevention of unintended pregnancies in HIV-infected women, (c) the prevention of HIV transmission from HIV-infected women to their infants; and (d) the provision of care, treatment and support to HIV-infected women, their infants and families.

26. To prevent MTCT of HIV, States parties must take steps, including the provision of essential drugs, e.g. anti-retroviral drugs, appropriate antenatal, delivery and post-partum care, and making HIV voluntary counselling and testing services available to pregnant women and their partners. The Committee recognizes that anti-retroviral drugs administered to a woman during pregnancy and/or labour and, in some regimens, to her infant, have been shown to significantly reduce the risk of transmission from mother to child. However, in addition, States parties should provide support for mothers and children, including counselling on infant feeding options. States parties are reminded that counselling of HIV-positive mothers should include information about the risks and benefits of different infant feeding options, and guidance on selecting the option most likely to be suitable for their situation. Follow-up support is also required in order for women to be able to implement their selected option as safely as possible.

27. Even in populations with high HIV prevalence, the majority of infants are born to women who are not HIV-infected. For the infants of HIV-negative women and women who do not know their HIV status, the Committee wishes to emphasize, consistent with articles 6 and 24 of the Convention, that breastfeeding remains the best feeding choice. For the infants of HIV-positive mothers, available evidence indicates that breastfeeding can add to the risk of HIV transmission by 10-20 per cent, but that lack of breastfeeding can expose children to an increased risk of malnutrition or infectious diseases other than HIV. United Nations agencies have recommended that, where replacement feeding is affordable, feasible, acceptable, sustainable and safe, avoidance of all breastfeeding by HIV-infected mothers is recommended; otherwise, exclusive breastfeeding is recommended during the first months of life and should then be discontinued as soon as it is feasible.

F. Treatment and care

28. The obligations of States parties under the Convention extend to ensuring that children have sustained and equal access to comprehensive treatment and care, including necessary HIV-related drugs, goods and services on a basis of non-discrimination. It is now widely recognized that comprehensive treatment and care includes anti-retroviral and other drugs, diagnostics and related technologies for the care of HIV/AIDS, related opportunistic infections and other conditions, good nutrition, and social, spiritual and psychological support, as well as family, community and home-based care. In this regard, States parties should negotiate with the pharmaceutical industry in order to make the necessary medicines locally available at the lowest costs possible. Furthermore, States parties are requested to affirm, support and facilitate the involvement of communities in the provision of comprehensive HIV/AIDS treatment, care and support, while at the same time complying with their own obligations under the Convention. States parties are called upon to pay special attention to addressing those factors within their societies that hinder equal access to treatment, care and support for all children.

G. Involvement of children in research

29. Consistent with article 24 of the Convention, States parties must ensure that HIV/AIDS research programmes include specific studies that contribute to effective prevention, care, treatment and impact reduction for children. States parties must, nonetheless, ensure that children do not serve as research subjects until an intervention has already been thoroughly tested on adults. Rights and ethical concerns have arisen in relation to HIV/AIDS biomedical research, HIV/ADS operations, and social, cultural and behavioural research. Children have been subjected to unnecessary or inappropriately designed research with little or no voice to either refuse or consent to participation. In line with the child's evolving capacities, consent of the child should be sought and consent may be sought from parents or guardians if necessary, but in all cases consent must be based on full disclosure of the risks and benefits of research to the child. States parties are further reminded to ensure that the privacy rights of children, in line with their obligations under article 16 of the Convention, are not inadvertently violated through the research process and that personal information about children, which is accessed through research, is, under no circumstances, used for purposes other than that for which consent was given. States parties must make every effort to ensure that children and, according to their evolving capacities, their parents and/or their guardians participate in decisions on research priorities and that a supportive environment is created for children who participate in such research.

V. VULNERABILITY AND CHILDREN NEEDING SPECIAL PROTECTION

30. The vulnerability of children to HIV/AIDS resulting from political, economic, social, cultural and other factors determines the likelihood of their being left with insufficient support to cope with the impact of HIV/AIDS on their families and communities, exposed to the risk of infection, subjected to inappropriate research, or deprived of access to treatment, care and support if and when HIV infection sets in. Vulnerability to HIV/AIDS is most acute for children living in refugee and internally displaced persons camps, children in detention, children living in institutions, as well as children living in extreme poverty, children living in situations of armed conflict, child soldiers, economically and sexually exploited children, and disabled, migrant, minority, indigenous, and street children. However, all children can be rendered vulnerable by the particular circumstances of their lives. Even in times of severe resource constraints, the Committee wishes to note that the rights of vulnerable members of society must be protected and that many measures can be pursued with minimum resource implications. Reducing vulnerability to HIV/AIDS requires first and foremost that children, their families and communities be empowered to make informed choices about decisions, practices or policies affecting them in relation to HIV/AIDS.

A. Children affected and orphaned by HIV/AIDS

31. Special attention must be given to children orphaned by AIDS and to children from affected families, including child-headed households, as these impact on vulnerability to HIV infection. For children from families affected by HIV/AIDS, the stigmatization and social isolation they experience may be accentuated by the neglect or violation of their rights, in particular discrimination resulting in a decrease or loss of access to education, health and social services. The Committee wishes to underline the necessity of providing legal, economic and social protection to affected children to ensure their access to education, inheritance, shelter and health and social services, as well as to make them feel secure in disclosing their HIV status and that of their family members when the children deem it appropriate. In this respect, States parties are reminded that these measures are critical to the realization of the rights of children and to giving them the skills and support necessary to reduce their vulnerability and risk of becoming infected.

32. The Committee wishes to emphasize the critical implications of proof of identity for children affected by HIV/AIDS, as it relates to securing recognition as a person before the law, safeguarding the protection of rights, in particular to inheritance, education, health and other social services, as well as to making children less vulnerable to abuse and exploitation, particularly if separated from their families due to illness or death. In this respect, birth registration is critical to ensuring the rights of the child and is also necessary to minimize the impact of HIV/AIDS on the lives of affected children. States parties are, therefore, reminded of their obligation under article 7 of the Convention to ensure that systems are in place for the registration of every child at or immediately after birth.

33. The trauma HIV/AIDS brings to the lives of orphans often begins with the illness and death of one of their parents, and is frequently compounded by the effects of stigmatization and discrimination. In this respect, States parties are particularly reminded to ensure that both law and practice support the inheritance and property rights of orphans, with particular attention to

the underlying gender-based discrimination which may interfere with the fulfilment of these rights. Consistent with their obligations under article 27 of the Convention, States parties must also support and strengthen the capacity of families and communities of children orphaned by AIDS to provide them with a standard of living adequate for their physical, mental, spiritual, moral, economic and social development, including access to psychosocial care, as needed.

34. Orphans are best protected and cared for when efforts are made to enable siblings to remain together, and in the care of relatives or family members. The extended family, with the support of the surrounding community, may be the least traumatic and therefore the best way to care for orphans when there are no other feasible alternatives. Assistance must be provided so that, to the maximum extent possible, children can remain within existing family structures. This option may not be available due to the impact HIV/AIDS has on the extended family. In that case, States parties should provide, as far as possible, for family-type alternative care (e.g. foster care). States parties are encouraged to provide support, financial and otherwise, when necessary, to child-headed households. States parties must ensure that their strategies recognize that communities are at the front line of the response to HIV/AIDS and that these strategies are designed to assist communities in determining how best to provide support to the orphans living there.

35. Although institutionalized care may have detrimental effects on child development, States parties may, nonetheless, determine that it has an interim role to play in caring for children orphaned by HIV/AIDS when family-based care within their own communities is not a possibility. It is the opinion of the Committee that any form of institutionalized care for children should only serve as a measure of last resort, and that measures must be fully in place to protect the rights of the child and guard against all forms of abuse and exploitation. In keeping with the right of children to special protection and assistance when within these environments, and consistent with articles 3, 20 and 25 of the Convention, strict measures are needed to ensure that such institutions meet specific standards of care and comply with legal protection safeguards. States parties are reminded that limits must be placed on the length of time children spend in these institutions, and programmes must be developed to support any children who stay in these institutions, whether infected or affected by HIV/AIDS, to successfully reintegrate them into their communities.

B. Victims of sexual and economic exploitation

36. Girls and boys who are deprived of the means of survival and development, particularly children orphaned by AIDS, may be subjected to sexual and economic exploitation in a variety of ways, including the exchange of sexual services or hazardous work for money to survive, support their sick or dying parents and younger siblings, or to pay for school fees. Children who are infected or directly affected by HIV/AIDS may find themselves at a double disadvantage - experiencing discrimination on the basis of both their social and economic marginalization and their, or their parents', HIV status. Consistent with the right of children under articles 32, 34, 35 and 36 of the Convention, and in order to reduce children's vulnerability to HIV/AIDS, States parties are under obligation to protect children from all forms of economic and sexual exploitation, including ensuring they do not fall prey to prostitution networks, and that they are protected from performing any work likely to be prejudicial to, or to interfere with, their education, health, or physical, mental, spiritual, moral or social development. States parties must

take bold action to protect children from sexual and economic exploitation, trafficking and sale and, consistent with the rights under article 39, create opportunities for those who have been subjected to such treatment to benefit from the support and caring services of the State and non-governmental entities engaged in these issues.

C. Victims of violence and abuse

37. Children may be exposed to various forms of violence and abuse which may increase the risk of their becoming HIV-infected, and may also be subjected to violence as a result of their being infected or affected by HIV/AIDS. Violence, including rape and other forms of sexual abuse, can occur in the family or foster setting or may be perpetrated by those with specific responsibilities towards children, including teachers and employees of institutions working with children, such as prisons and institutions concerned with mental health and other disabilities. In keeping with the rights of the child set forth in article 19 of the Convention, States parties have the obligation to protect children from all forms of violence and abuse, whether at home, in school or other institutions, or in the community.

38. Programmes must be specifically adapted to the environment in which children live, to their ability to recognize and report abuses and to their individual capacity and autonomy. The Committee considers that the relationship between HIV/AIDS and the violence or abuse suffered by children in the context of war and armed conflict requires specific attention. Measures to prevent violence and abuse in these situations are critical, and States parties must ensure the incorporation of HIV/AIDS and child rights issues in addressing and supporting children - girls and boys - who were used by military or other uniformed personnel to provide domestic help or sexual services, or who are internally displaced or living in refugee camps. In keeping with States parties' obligations, including under articles 38 and 39 of the Convention, active information campaigns, combined with the counselling of children and mechanisms for the prevention and early detection of violence and abuse, must be put in place within conflict- and disaster-affected regions, and must form part of national and community responses to HIV/AIDS.

Substance abuse

39. The use of substances, including alcohol and drugs, may reduce the ability of children to exert control over their sexual conduct and, as a result, may increase their vulnerability to HIV infection. Injecting practices using unsterilized instruments further increase the risk of HIV transmission. The Committee notes that greater understanding of substance use behaviours among children is needed, including the impact that neglect and violation of the rights of the child has on these behaviours. In most countries, children have not benefited from pragmatic HIV prevention programmes related to substance use, which even when they do exist have largely targeted adults. The Committee wishes to emphasize that policies and programmes aimed at reducing substance use and HIV transmission must recognize the particular sensitivities and lifestyles of children, including adolescents, in the context of HIV/AIDS prevention. Consistent with the rights of children under articles 33 and 24 of the Convention, States parties are obligated to ensure the implementation of programmes which aim to reduce the factors that expose children to the use of substances, as well as those that provide treatment and support to children who are abusing substances.

VI. RECOMMENDATIONS

40. The Committee hereby reaffirms the recommendations, which emerged at the day of general discussion on children living in a world with HIV/AIDS (CRC/C/80), and calls upon States parties:

(a) To adopt and implement national and local HIV/AIDS-related policies, including effective plans of action, strategies, and programmes that are child-centred, rights-based and incorporate the rights of the child under the Convention, including by taking into account the recommendations made in the previous paragraphs of the present general comment and those adopted at the United Nations General Assembly special session on children (2002);

(b) To allocate financial, technical and human resources, to the maximum extent possible, to supporting national and community-based action (art. 4), and, where appropriate, within the context of international cooperation (see paragraph 41 below);

(c) To review existing laws or enact new legislation with a view to implementing fully article 2 of the Convention, and in particular to expressly prohibiting discrimination based on real or perceived HIV/AIDS status so as to guarantee equal access for of all children to all relevant services, with particular attention to the child's right to privacy and confidentiality and to other recommendations made by the Committee in the previous paragraphs relevant to legislation;

(d) To include HIV/AIDS plans of action, strategies, policies and programmes in the work of national mechanisms responsible for monitoring and coordinating children's rights and to consider the establishment of a review procedure, which responds specifically to complaints of neglect or violation of the rights of the child in relation to HIV/AIDS, whether this entails the creation of a new legislative or administrative body or is entrusted to an existing national institution;

(e) To reassess their HIV-related data collection and evaluation to ensure that they adequately cover children as defined under the Convention, are disaggregated by age and gender ideally in five-year age groups, and include, as far as possible, children belonging to vulnerable groups and those in need of special protection;

(f) To include, in their reporting process under article 44 of the Convention, information on national HIV/AIDS policies and programmes and, to the extent possible, budgeting and resource allocations at the national, regional and local levels, as well as within these breakdowns the proportions allocated to prevention, care, research and impact reduction. Specific attention must be given to the extent to which these programmes and policies explicitly recognize children (in the light of their evolving capacities) and their rights, and the extent to which HIV-related rights of children are dealt with in laws, policies and practices, with specific attention to discrimination against children on the basis of their HIV status, as well as because they are orphans or the children of parents living with HIV/AIDS. The Committee requests States parties to provide a detailed indication in their reports of what they consider to be the most important priorities within their jurisdiction in relation to children and HIV/AIDS, and to outline the programme of activities they intend to pursue over the coming five years in order to address the problems identified. This would allow activities to be progressively assessed over time.

41. In order to promote international cooperation, the Committee calls upon UNICEF, World Health Organization, United Nations Population Fund, UNAIDS and other relevant international bodies, organizations and agencies to contribute systematically, at the national level, to efforts to ensure the rights of children in the context of HIV/AIDS, and also to continue to work with the Committee to improve the rights of the child in the context of HIV/AIDS. Further, the Committee urges States providing development cooperation to ensure that HIV/AIDS strategies are so designed as to take fully into account the rights of the child.

42. Non-governmental organizations, as well as community-based groups and other civil society actors, such as youth groups, faith-based organizations, women's organizations and traditional leaders, including religious and cultural leaders, all have a vital role to play in the response to the HIV/AIDS pandemic. States parties are called upon to ensure an enabling environment for participation by civil society groups, which includes facilitating collaboration and coordination among the various players, and that these groups are given the support needed to enable them to operate effectively without impediment (in this regard, States parties are specifically encouraged to support the full involvement of people living with HIV/AIDS, with particular attention to the inclusion of children, in the provision of HIV/AIDS prevention, care, treatment and support services).

Annex X

GENERAL COMMENT No. 4 (2003)

Adolescent health and development in the context of the Convention on the Rights of the Child

Introduction

1. The Convention on the Rights of the Child defines a child as "every human being below the age of 18 years unless, under the law applicable, majority is attained earlier" (art. 1). Consequently, adolescents up to 18 years old are holders of all the rights enshrined in the Convention; they are entitled to special protection measures and, according to their evolving capacities, they can progressively exercise their rights (art. 5).

2. Adolescence is a period characterized by rapid physical, cognitive and social changes, including sexual and reproductive maturation; the gradual building up of the capacity to assume adult behaviours and roles involving new responsibilities requiring new knowledge and skills. While adolescents are in general a healthy population group, adolescence also poses new challenges to health and development owing to their relative vulnerability and pressure from society, including peers, to adopt risky health behaviour. These challenges include developing an individual identity and dealing with one's sexuality. The dynamic transition period to adulthood is also generally a period of positive changes, prompted by the significant capacity of adolescents to learn rapidly, to experience new and diverse situations, to develop and use critical thinking, to familiarize themselves with freedom, to be creative and to socialize.

3. The Committee on the Rights of the Child notes with concern that in implementing their obligations under the Convention, States parties have not given sufficient attention to the specific concerns of adolescents as rights holders and to promoting their health and development. This has motivated the Committee to adopt the present general comment in order to raise awareness and provide States parties with guidance and support in their efforts to guarantee the respect for, protection and fulfilment of the rights of adolescents, including through the formulation of specific strategies and policies.

4. The Committee understands the concepts of "health and development" more broadly than being strictly limited to the provisions defined in articles 6 (right to life, survival and development) and 24 (right to health) of the Convention. One of the aims of this general comment is precisely to identify the main human rights that need to be promoted and protected in order to ensure that adolescents do enjoy the highest attainable standard of health, develop in a well-balanced manner, and are adequately prepared to enter adulthood and assume a constructive role in their communities and in society at large. This general comment should be read in conjunction with the Convention and its two Optional Protocols on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, as well as other relevant international human rights norms and standards.[a]

I. FUNDAMENTAL PRINCIPLES AND OTHER OBLIGATIONS OF STATES PARTIES

5. As recognized by the World Conference on Human Rights (1993) and repeatedly stated by the Committee, children's rights too are indivisible and interrelated. In addition to articles 6 and 24, other provisions and principles of the Convention are crucial in guaranteeing that adolescents fully enjoy their right to health and development.

The right to non-discrimination

6. States parties have the obligation to ensure that all human beings below 18 enjoy all the rights set forth in the Convention without discrimination (art. 2), including with regard to "race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". These grounds also cover adolescents' sexual orientation and health status (including HIV/AIDS and mental health). Adolescents who are subject to discrimination are more vulnerable to abuse, other types of violence and exploitation, and their health and development are put at greater risk. They are therefore entitled to special attention and protection from all segments of society.

Appropriate guidance in the exercise of rights

7. The Convention acknowledges the responsibilities, rights and duties of parents (or other persons legally responsible for the child) "to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention" (art. 5). The Committee believes that parents or other persons legally responsible for the child need to fulfil with care their right and responsibility to provide direction and guidance to their adolescent children in the exercise by the latter of their rights. They have an obligation to take into account the adolescents' views, in accordance with their age and maturity, and to provide a safe and supportive environment in which the adolescent can develop. Adolescents need to be recognized by the members of their family environment as active rights holders who have the capacity to become full and responsible citizens, given the proper guidance and direction.

Respect for the views of the child

8. The right to express views freely and have them duly taken into account (art. 12) is also fundamental in realizing adolescents' right to health and development. States parties need to ensure that adolescents are given a genuine chance to express their views freely on all matters affecting them, especially within the family, in school, and in their communities. In order for adolescents to be able safely and properly to exercise this right, public authorities, parents and other adults working with or for children need to create an environment based on trust, information-sharing, the capacity to listen and sound guidance that is conducive for adolescents' participating equally including in decision-making processes.

Legal and judicial measures and processes

9. Under article 4 of the Convention, "States parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized" therein. In the context of the rights of adolescents to health and development, States parties need

to ensure that specific legal provisions are guaranteed under domestic law, including with regard to setting a minimum age for sexual consent, marriage and the possibility of medical treatment without parental consent. These minimum ages should be the same for boys and girls (article 2 of the Convention) and closely reflect the recognition of the status of human beings under 18 years of age as rights holders, in accordance with their evolving capacity, age and maturity (arts. 5 and 12 to 17). Further, adolescents need to have easy access to individual complaint systems as well as judicial and appropriate non-judicial redress mechanisms that guarantee fair and due process, with special attention to the right to privacy (art. 16).

Civil rights and freedoms

10. The Convention defines the civil rights and freedoms of children and adolescents in its articles 13 to 17. These are fundamental in guaranteeing the right to health and development of adolescents. Article 17 states that the child has the right to "access information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health". The right of adolescents to access appropriate information is crucial if States parties are to promote cost-effective measures, including through laws, policies and programmes, with regard to numerous health-related situations, including those covered in articles 24 and 33 such as family planning, prevention of accidents, protection from harmful traditional practices, including early marriages and female genital mutilation, and the abuse of alcohol, tobacco and other harmful substances.

11. In order to promote the health and development of adolescents, States parties are also encouraged to respect strictly their right to privacy and confidentiality, including with respect to advice and counselling on health matters (art. 16). Health-care providers have an obligation to keep confidential medical information concerning adolescents, bearing in mind the basic principles of the Convention. Such information may only be disclosed with the consent of the adolescent, or in the same situations applying to the violation of an adult's confidentiality. Adolescents deemed mature enough to receive counselling without the presence of a parent or other person are entitled to privacy and may request confidential services, including treatment.

Protection from all forms of abuse, neglect, violence and exploitation[b]

12. States parties must take effective measures to ensure that adolescents are protected from all forms of violence, abuse, neglect and exploitation (arts. 19, 32-36 and 38), paying increased attention to the specific forms of abuse, neglect, violence and exploitation that affects this age group. In particular, they should adopt special measures to ensure the physical, sexual and mental integrity of adolescents with disabilities, who are particularly vulnerable to abuse and neglect. States parties should also ensure that adolescents affected by poverty who are socially marginalized are not criminalized. In this regard, financial and human resources need to be allocated to promote research that would inform the adoption of effective local and national laws, policies and programmes. Policies and strategies should be reviewed regularly and revised accordingly. In taking these measures, States parties have to take into account the evolving capacities of adolescents and involve them in an appropriate manner in developing measures, including programmes, designed to protect them. In this context, the Committee emphasizes the positive impact that peer education can have, and the positive influence of proper role models, especially those in the worlds of arts, entertainment and sports.

Data collection

13. Systematic data collection is necessary for States parties to be able to monitor the health and development of adolescents. States parties should adopt data-collection mechanisms that allow desegregation by sex, age, origin and socio-economic status so that the situation of different groups can be followed. Data should also be collected to study the situation of specific groups such as ethnic and/or indigenous minorities, migrant or refugee adolescents, adolescents with disabilities, working adolescents, etc. Where appropriate, adolescents should participate in the analysis to ensure that the information is understood and utilized in an adolescent-sensitive way.

II. CREATING A SAFE AND SUPPORTIVE ENVIRONMENT

14. The health and development of adolescents are strongly determined by the environments in which they live. Creating a safe and supportive environment entails addressing attitudes and actions of both the immediate environment of the adolescent - family, peers, schools and services - as well as the wider environment created by, inter alia, community and religious leaders, the media, national and local policies and legislation. The promotion and enforcement of the provisions and principles of the Convention, especially articles 2-6, 12-17, 24, 28, 29 and 31, are key to guaranteeing adolescents' right to health and development. States parties should take measures to raise awareness and stimulate and/or regulate action through the formulation of policy or the adoption of legislation and the implementation of programmes specifically for adolescents.

15. The Committee stresses the importance of the family environment, including the members of the extended family and community or other persons legally responsible for the child or adolescent (arts. 5 and 18). While most adolescents grow up in well-functioning family environments, for some the family does not constitute a safe and supportive milieu.

16. The Committee calls upon States parties to develop and implement, in a manner consistent with adolescents' evolving capacities, legislation, policies and programmes to promote the health and development of adolescents by (a) providing parents (or legal guardians) with appropriate assistance through the development of institutions, facilities and services that adequately support the well-being of adolescents, including, when needed, the provision of material assistance and support with regard to nutrition, clothing and housing (art. 27 (3)); (b) providing adequate information and parental support to facilitate the development of a relationship of trust and confidence in which issues regarding, for example, sexuality and sexual behaviour and risky lifestyles can be openly discussed and acceptable solutions found that respect the adolescent's rights (art. 27 (3)); (c) providing adolescent mothers and fathers with support and guidance for both their own and their children's well-being (art. 24 (f), 27 (2-3)); (d) giving, while respecting the values and norms of ethnic and other minorities, special attention, guidance and support to adolescents and parents (or legal guardians), whose traditions and norms may differ from those in the society where they live; and (e) ensuring that interventions in the family to protect the adolescent and, when necessary, separate her/him from the family, e.g. in case of abuse or neglect, are in accordance with applicable laws and procedures. Such laws and procedures should be reviewed to ensure that they conform to the principles of the Convention.

17. The school plays an important role in the life of many adolescents, as the venue for learning, development and socialization. Article 29 (1) states that education must be directed to "the development of the child's personality, talents and mental and physical abilities to their fullest potential". In addition, general comment No. 1 on the aims of education states that "Education must also be aimed at ensuring that … no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills should include … the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle [and] good social relationships …". Considering the importance of appropriate education for the current and future health and development of adolescents, as well as for their children, the Committee urges States parties, in line with articles 28 and 29 of the Convention to (a) ensure that quality primary education is compulsory and available, accessible and free to all and that secondary and higher education are available and accessible to all adolescents; (b) provide well-functioning school and recreational facilities which do not pose health risks to students, including water and sanitation and safe journeys to school; (c) take the necessary actions to prevent and prohibit all forms of violence and abuse, including sexual abuse, corporal punishment and other inhuman, degrading or humiliating treatment or punishment in school, by school personnel as well as among students; (d) initiate and support measures, attitudes and activities that promote healthy behaviour by including relevant topics in school curricula.

18. During adolescence, an increasing number of young people are leaving school to start working to help support their families or for wages in the formal or informal sector. Participation in work activities in accordance with international standards, as long as it does not jeopardize the enjoyment of any of the other rights of adolescents, including health and education, may be beneficial for the development of the adolescent. The Committee urges States parties to take all necessary measures to abolish all forms of child labour, starting with the worst forms, to continuously review national regulations on minimum ages for employment with a view to making them compatible with international standards, and to regulate the working environment and conditions for adolescents who are working (in accordance with article 32 of the Convention, as well as ILO Conventions Nos. 138 and 182), so as to ensure that they are fully protected and have access to legal redress mechanisms.

19. The Committee also stresses that in accordance with article 23 (3) of the Convention, the special rights of adolescents with disabilities should be taken into account and assistance provided to ensure that the disabled child/adolescent has effective access to and receives good quality education. States should recognize the principle of equal primary, secondary and tertiary educational opportunities for disabled children/adolescents, where possible in regular schools.

20. The Committee is concerned that early marriage and pregnancy are significant factors in health problems related to sexual and reproductive health, including HIV/AIDS. Both the legal minimum age and actual age of marriage, particularly for girls, are still very low in several States parties. There are also non-health-related concerns: children who marry, especially girls, are often obliged to leave the education system and are marginalized from social activities. Further, in some States parties married children are legally considered adults, even if they are under 18, depriving them of all the special protection measures they are entitled under the Convention. The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with

and without parental consent to 18 years, for both girls and boys. The Committee on the Elimination of Discrimination against Women has made a similar recommendation (general comment No. 21 of 1994).

21. In most countries accidental injuries or injuries due to violence are a leading cause of death or permanent disability among adolescents. In that respect, the Committee is concerned about the injuries and death resulting from road traffic accidents, which affect adolescents disproportionately. States parties should adopt and enforce legislation and programmes to improve road safety, including driving education for and examination of adolescents and the adoption or strengthening of legislation known to be highly effective such as the obligations to have a valid driver's licence, wear seat belts and crash helmets, and the designation of pedestrian areas.

22. The Committee is also very concerned about the high rate of suicide among this age group. Mental disorders and psychosocial illness are relatively common among adolescents. In many countries symptoms such as depression, eating disorders and self-destructive behaviours, sometimes leading to self-inflicted injuries and suicide, are increasing. They may be related to, inter alia, violence, ill-treatment, abuse and neglect, including sexual abuse, unrealistically high expectations, and/or bullying or hazing in and outside school. States parties should provide these adolescents with all the necessary services.

23. Violence results from a complex interplay of individual, family, community and societal factors. Vulnerable adolescents such as those who are homeless or who are living in institutions, who belong to gangs or who have been recruited as child soldiers are especially exposed to both institutional and interpersonal violence. Under article 19 of the Convention, States parties must take all appropriate measures[e] to prevent and eliminate: (a) institutional violence against adolescents, including through legislation and administrative measures in relation to public and private institutions for adolescents (schools, institutions for disabled adolescents, juvenile reformatories, etc.), and training and monitoring of personnel in charge of institutionalized children or who otherwise have contact with children through their work, including the police; and (b) interpersonal violence among adolescents, including by supporting adequate parenting and opportunities for social and educational development in early childhood, fostering non-violent cultural norms and values (as foreseen in article 29 of the Convention), strictly controlling firearms and restricting access to alcohol and drugs.

24. In light of articles 3, 6, 12, 19 and 24 (3) of the Convention, States parties should take all effective measures to eliminate all acts and activities which threaten the right to life of adolescents, including honour killings. The Committee strongly urges States parties to develop and implement awareness-raising campaigns, education programmes and legislation aimed at changing prevailing attitudes, and address gender roles and stereotypes that contribute to harmful traditional practices. Further, States parties should facilitate the establishment of multidisciplinary information and advice centres regarding the harmful aspects of some traditional practices, including early marriage and female genital mutilation.

25. The Committee is concerned about the influence exerted on adolescent health behaviours by the marketing of unhealthy products and lifestyles. In line with article 17 of the Convention, States parties are urged to protect adolescents from information that is harmful to their health and

development, while underscoring their right to information and material from diverse national and international sources. States parties are therefore urged to regulate or prohibit information on and marketing of substances such as alcohol and tobacco, particularly when it targets children and adolescents.[d]

III. INFORMATION, SKILLS DEVELOPMENT, COUNSELLING, AND HEALTH SERVICES

26. Adolescents have the right to access adequate information essential for their health and development and for their ability to participate meaningfully in society. It is the obligation of States parties to ensure that all adolescent girls and boys, both in and out of school, are provided with, and not denied, accurate and appropriate information on how to protect their health and development and practise healthy behaviours. This should include information on the use and abuse, of tobacco, alcohol and other substances, safe and respectful social and sexual behaviours, diet and physical activity.

27. In order to act adequately on the information, adolescents need to develop the skills necessary, including self-care skills, such as how to plan and prepare nutritionally balanced meals and proper personal hygiene habits, and skills for dealing with particular social situations such as interpersonal communication, decision-making, and coping with stress and conflict. States parties should stimulate and support opportunities to build such skills through, inter alia, formal and informal education and training programmes, youth organizations and the media.

28. In light of articles 3, 17 and 24 of the Convention, States parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted diseases (STDs). In addition, States parties should ensure that they have access to appropriate information, regardless of their marital status and whether their parents or guardians consent. It is essential to find proper means and methods of providing information that is adequate and sensitive to the particularities and specific rights of adolescent girls and boys. To this end, States parties are encouraged to ensure that adolescents are actively involved in the design and dissemination of information through a variety of channels beyond the school, including youth organizations, religious, community and other groups and the media.

29. Under article 24 of the Convention, States parties are urged to provide adequate treatment and rehabilitation for adolescents with mental disorders, to make the community aware of the early signs and symptoms and the seriousness of these conditions, and to protect adolescents from undue pressures, including psychosocial stress. States parties are also urged to combat discrimination and stigma surrounding mental disorders, in line with their obligations under article 2. Every adolescent with a mental disorder has the right to be treated and cared for, as far as possible, in the community in which he or she lives. Where hospitalization or placement in a psychiatric institution is necessary, this decision should be made in accordance with the principle of the best interests of the child. In the event of hospitalization or institutionalization, the patient should be given the maximum possible opportunity to enjoy all his or her rights as recognized under the Convention, including the rights to education and to have access to recreational activities.[e] Where appropriate, adolescents should be separated from adults. States parties must

ensure that adolescents have access to a personal representative other than a family member to represent their interests, when necessary and appropriate.[f] In accordance with article 25 of the Convention, States parties should undertake periodic review of the placement of adolescents in hospitals or psychiatric institutions.

30. Adolescents, both girls and boys, are at risk of being infected with and affected by STDs, including HIV/AIDS.[g] States should ensure that appropriate goods, services and information for the prevention and treatment of STDs, including HIV/AIDS, are available and accessible. To this end, States parties are urged (a) to develop effective prevention programmes, including measures aimed at changing cultural views about adolescents' need for contraception and STD prevention and addressing cultural and other taboos surrounding adolescent sexuality; (b) to adopt legislation to combat practices that either increase adolescents' risk of infection or contribute to the marginalization of adolescents who are already infected with STDs, including HIV; (c) to take measures to remove all barriers hindering the access of adolescents to information, preventive measures such as condoms, and care.

31. Adolescent girls should have access to information on the harm that early marriage and early pregnancy can cause, and those who become pregnant should have access to health services that are sensitive to their rights and particular needs. States parties should take measures to reduce maternal morbidity and mortality in adolescent girls, particularly caused by early pregnancy and unsafe abortion practices, and to support adolescent parents. Young mothers, especially where support is lacking, may be prone to depression and anxiety, compromising their ability to care for their child. The Committee urges States parties (a) to develop and implement programmes that provide access to sexual and reproductive health services, including family planning, contraception and safe abortion services where abortion is not against the law, adequate and comprehensive obstetric care and counselling; (b) to foster positive and supportive attitudes towards adolescent parenthood for their mothers and fathers; and (c) to develop policies that will allow adolescent mothers to continue their education.

32. Before parents give their consent, adolescents need to have a chance to express their views freely and their views should be given due weight, in accordance with article 12 of the Convention. However, if the adolescent is of sufficient maturity, informed consent shall be obtained from the adolescent her/himself, while informing the parents if that is in the "best interest of the child" (art. 3).

33. With regard to privacy and confidentiality, and the related issue of informed consent to treatment, States parties should (a) enact laws or regulations to ensure that confidential advice concerning treatment is provided to adolescents so that they can give their informed consent. Such laws or regulations should stipulate an age for this process, or refer to the evolving capacity of the child; and (b) provide training for health personnel on the rights of adolescents to privacy and confidentiality, to be informed about planned treatment and to give their informed consent to treatment.

IV. VULNERABILITY AND RISK

34. In ensuring respect for the right of adolescents to health and development, both individual behaviours and environmental factors which increase their vulnerability and risk should be taken into consideration. Environmental factors, such as armed conflict or social

exclusion, increase the vulnerability of adolescents to abuse, other forms of violence and exploitation, thereby severely limiting adolescents' abilities to make individual, healthy behaviour choices. For example, the decision to engage in unsafe sex increases adolescents' risk of ill-health.

35. In accordance with article 23 of the Convention, adolescents with mental and/or physical disabilities have an equal right to the highest attainable standard of physical and mental health. States parties have an obligation to provide adolescents with disabilities with the means necessary to realize their rights.[b] States parties should (a) ensure that health facilities, goods and services are available and accessible to all adolescents with disabilities and that these facilities and services promote their self-reliance and their active participation in the community; (b) ensure that the necessary equipment and personal support are available to enable them to move around, participate and communicate; (c) pay specific attention to the special needs relating to the sexuality of adolescents with disabilities; and (d) remove barriers that hinder adolescents with disabilities in realizing their rights.

36. States parties have to provide special protection to homeless adolescents, including those working in the informal sector. Homeless adolescents are particularly vulnerable to violence, abuse and sexual exploitation from others, self-destructive behaviour, substance abuse and mental disorders. In this regard, States parties are required to (a) develop policies and enact and enforce legislation that protect such adolescents from violence, e.g. by law enforcement officials; (b) develop strategies for the provision of appropriate education and access to health care, and of opportunities for the development of livelihood skills.

37. Adolescents who are sexually exploited, including in prostitution and pornography, are exposed to significant health risks, including STDs, HIV/AIDS, unwanted pregnancies, unsafe abortions, violence and psychological distress. They have the right to physical and psychological recovery and social reintegration in an environment that fosters health, self-respect and dignity (art. 39). It is the obligation of States parties to enact and enforce laws to prohibit all forms of sexual exploitation and related trafficking; to collaborate with other States parties to eliminate intercountry trafficking; and to provide appropriate health and counselling services to adolescents who have been sexually exploited, making sure that they are treated as victims and not as offenders.

38. Additionally, adolescents experiencing poverty, armed conflicts, all forms of injustice, family breakdown, political, social and economic instability and all types of migration may be particularly vulnerable. These situations might seriously hamper their health and development. By investing heavily in preventive policies and measures States parties can drastically reduce levels of vulnerability and risk factors; they will also provide cost-effective ways for society to help adolescents develop harmoniously in a free society.

V. NATURE OF STATES' OBLIGATIONS

39. In exercising their obligations in relation to the health and development of adolescents, States parties shall always take fully into account the four general principles of the Convention. It is the view of the Committee that States parties must take all appropriate legislative, administrative and other measures for the realization and monitoring of the rights of adolescents to health and development as recognized in the Convention. To this end, States parties must notably fulfil the following obligations:

(a) To create a safe and supportive environment for adolescents, including within their family, in schools, in all types of institutions in which they may live, within their workplace and/or in the society at large;

(b) To ensure that adolescents have access to the information that is essential for their health and development and that they have opportunities to participate in decisions affecting their health (notably through informed consent and the right of confidentiality), to acquire life skills, to obtain adequate and age-appropriate information, and to make appropriate health behaviour choices;

(c) To ensure that health facilities, goods and services, including counselling and health services for mental and sexual and reproductive health, of appropriate quality and sensitive to adolescents' concerns are available to all adolescents;

(d) To ensure that adolescent girls and boys have the opportunity to participate actively in planning and programming for their own health and development;

(e) To protect adolescents from all forms of labour which may jeopardize the enjoyment of their rights, notably by abolishing all forms of child labour and by regulating the working environment and conditions in accordance with international standards;

(f) To protect adolescents from all forms of intentional and unintentional injuries, including those resulting from violence and road traffic accidents;

(g) To protect adolescents from all harmful traditional practices, such as early marriages, honour killings and female genital mutilation;

(h) To ensure that adolescents belonging to especially vulnerable groups are fully taken into account in the fulfilment of all aforementioned obligations;

(i) To implement measures for the prevention of mental disorders and the promotion of mental health of adolescents.

40. The Committee draws the attention of States parties to the general comment No. 14 on the right to the highest attainable standard of health of the Committee on Economic, Social and Cultural Rights which states that, "States parties should provide a safe and supportive environment for adolescents that ensures the opportunity to participate in decisions affecting their health, to build life skills, to acquire appropriate information, to receive counselling and to negotiate the health-behaviour choices they make. The realization of the right to health of adolescents is dependent on the development of youth-sensitive health care, which respects confidentiality and privacy and includes appropriate sexual and reproductive health services."

41. In accordance with articles 24, 39 and other related provisions of the Convention, States parties should provide health services that are sensitive to the particular needs and human rights of all adolescents, paying attention to the following characteristics:

(a) *Availability*. Primary health care should include services sensitive to the needs of adolescents, with special attention given to sexual and reproductive health and mental health;

(b) *Accessibility.* Health facilities, goods and services should be known and easily accessible (economically, physically and socially) to all adolescents, without discrimination. Confidentiality should be guaranteed, when necessary;

(c) *Acceptability.* While fully respecting the provisions and principles of the Convention, all health facilities, goods and services should respect cultural values, be gender sensitive, be respectful of medical ethics and be acceptable to both adolescents and the communities in which they live;

(d) *Quality.* Health services and goods should be scientifically and medically appropriate, which requires personnel trained to care for adolescents, adequate facilities and scientifically accepted methods.

42. States parties should, where feasible, adopt a multisectoral approach to the promotion and protection of adolescent health and development by facilitating effective and sustainable linkages and partnerships among all relevant actors. At the national level, such an approach calls for close and systematic collaboration and coordination within Government, so as to ensure the necessary involvement of all relevant government entities. Public health and other services utilized by adolescents should also be encouraged and assisted in seeking collaboration with, inter alia, private and/or traditional practitioners, professional associations, pharmacies and organizations that provide services to vulnerable groups of adolescents.

43. A multisectoral approach to the promotion and protection of adolescent health and development will not be effective without international cooperation. Therefore, States parties should, when appropriate, seek such cooperation with United Nations specialized agencies, programmes and bodies, international NGOs and bilateral aid agencies, international professional associations and other non-State actors.

Notes

[a] These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination Against Women.

[b] See also the reports of the Committee's days of general discussion on "Violence against children" held in 2000 and 2001 and the Recommendations adopted in this regard (see CRC/C/100, chap. V and CRC/C/111, chap. V).

[c] Ibid.

[d] As proposed in the Framework Convention on Tobacco Control (2003) of the World Health Organization.

[e] For further guidance on this subject, refer to the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (General Assembly resolution 46/119 of 17 December 1991, annex).

[f] Ibid., in particular principles 2, 3 and 7.

[g] For further guidance on this issue, see general comment No. 3 (2003) on HIV/AIDS and the rights of children.

[h] United Nations Standard Rules on Equal Opportunities for Persons with Disabilities.

Annex XI

GENERAL COMMENT No. 5 (2003)

General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)

FOREWORD

The Committee on the Rights of the Child has drafted this general comment to outline States parties' obligations to develop what it has termed "general measures of implementation". The various elements of the concept are complex and the Committee emphasizes that it is likely to issue more detailed general comments on individual elements in due course, to expand on this outline. Its general comment No. 2 (2002) entitled "The role of independent national human rights institutions in the protection and promotion of the rights of the child" has already expanded on this concept.

Article 4

> "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation."

I. INTRODUCTION

1. When a State ratifies the Convention on the Rights of the Child, it takes on obligations under international law to implement it. Implementation is the process whereby States parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction.[a] Article 4 requires States parties to take "all appropriate legislative, administrative and other measures" for implementation of the rights contained therein. While it is the State which takes on obligations under the Convention, its task of implementation - of making reality of the human rights of children - needs to engage all sectors of society and, of course, children themselves. Ensuring that all domestic legislation is fully compatible with the Convention and that the Convention's principles and provisions can be directly applied and appropriately enforced is fundamental. In addition, the Committee on the Rights of the Child has identified a wide range of measures that are needed for effective implementation, including the development of special structures and monitoring, training and other activities in Government, parliament and the judiciary at all levels.[b]

2. In its periodic examination of States parties' reports under the Convention, the Committee pays particular attention to what it has termed "general measures of implementation". In its concluding observations issued following examination, the Committee provides specific recommendations relating to general measures. It expects the State party to describe action taken in response to these recommendations in its subsequent periodic report. The Committee's

reporting guidelines arrange the Convention's articles in clusters,[c] the first being on "general measures of implementation" and groups article 4 with article 42 (the obligation to make the content of the Convention widely known to children and adults; see, paragraph 66 below) and article 44, paragraph 6 (the obligation to make reports widely available within the State; see paragraph 71 below).

3. In addition to these provisions, other general implementation obligations are set out in article 2: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind ...".

4. Also under article 3, paragraph 2, "States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures."

5. In international human rights law, there are articles similar to article 4 of the Convention, setting out overall implementation obligations, such as article 2 of the International Covenant on Civil and Political Rights and article 2 of the International Covenant on Economic, Social and Cultural Rights. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have issued general comments in relation to these provisions which should be seen as complementary to the present general comment and which are referred to below.[d]

6. Article 4, while reflecting States parties' overall implementation obligation, suggests a distinction between civil and political rights and economic, social and cultural rights in its second sentence: "With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation." There is no simple or authoritative division of human rights in general or of Convention rights into the two categories. The Committee's reporting guidelines group articles 7, 8, 13-17 and 37 (a) under the heading "Civil rights and freedoms", but indicate by the context that these are not the only civil and political rights in the Convention. Indeed, it is clear that many other articles, including articles 2, 3, 6 and 12 of the Convention, contain elements which constitute civil/political rights, thus reflecting the interdependence and indivisibility of all human rights. Enjoyment of economic, social and cultural rights is inextricably intertwined with enjoyment of civil and political rights. As noted in paragraph 25 below, the Committee believes that economic, social and cultural rights, as well as civil and political rights, should be regarded as justiciable.

7. The second sentence of article 4 reflects a realistic acceptance that lack of resources - financial and other resources - can hamper the full implementation of economic, social and cultural rights in some States; this introduces the concept of "progressive realization" of such rights: States need to be able to demonstrate that they have implemented "to the maximum extent of their available resources" and, where necessary, have sought international cooperation. When States ratify the Convention, they take upon themselves obligations not only to implement it within their jurisdiction, but also to contribute, through international cooperation, to global implementation (see paragraph 60 below).

8. The sentence is similar to the wording used in the International Covenant on Economic, Social and Cultural Rights and the Committee entirely concurs with the Committee on Economic, Social and Cultural Rights in asserting that "even where the available resources are

demonstrably inadequate, the obligation remains for a State party to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances …".[e] Whatever their economic circumstances, States are required to undertake all possible measures towards the realization of the rights of the child, paying special attention to the most disadvantaged groups.

9. The general measures of implementation identified by the Committee and described in the present general comment are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation, the establishment of coordinating and monitoring bodies - governmental and independent - comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes. One of the satisfying results of the adoption and almost universal ratification of the Convention has been the development at the national level of a wide variety of new child focused and child-sensitive bodies, structures and activities - children's rights units at the heart of Government, ministers for children, inter-ministerial committees on children, parliamentary committees, child impact analysis, children's budgets and "state of children's rights" reports, NGO coalitions on children's rights, children's ombudspersons and children's rights commissioners and so on.

10. While some of these developments may seem largely cosmetic, their emergence at the least indicates a change in the perception of the child's place in society, a willingness to give higher political priority to children and an increasing sensitivity to the impact of governance on children and their human rights.

11. The Committee emphasizes that, in the context of the Convention, States must see their role as fulfilling clear legal obligations to each and every child. Implementation of the human rights of children must not be seen as a charitable process, bestowing favours on children.

12. The development of a children's rights perspective throughout Government, parliament and the judiciary is required for effective implementation of the whole Convention and, in particular, in the light of the following articles in the Convention identified by the Committee as general principles:

> **Article 2: the obligation of States to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind.** This non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes. It should be emphasized that the application of the non-discrimination principle of equal access to rights does not mean identical treatment. A general comment by the Human Rights Committee has underlined the importance of taking special measures in order to diminish or eliminate conditions that cause discrimination.[f]
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> **Article 3 (1): the best interests of the child as a primary consideration in all actions concerning children.** The article refers to actions undertaken by "public or private social welfare institutions, courts of law, administrative authorities or legislative bodies". The principle requires active measures throughout Government, parliament and

the judiciary. Every legislative, administrative and judicial body or institution is required to apply the best interests principle by systematically considering how children's rights and interests are or will be affected by their decisions and actions - by, for example, a proposed or existing law or policy or administrative action or court decision, including those which are not directly concerned with children, but indirectly affect children.

Article 6: the child's inherent right to life and States parties' obligation to ensure to the maximum extent possible the survival and development of the child. The Committee expects States to interpret "development" in its broadest sense as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development. Implementation measures should be aimed at achieving the optimal development for all children.

Article 12: the child's right to express his or her views freely in "all matters affecting the child", those views being given due weight. This principle, which highlights the role of the child as an active participant in the promotion, protection and monitoring of his or her rights, applies equally to all measures adopted by States to implement the Convention.

Opening government decision-making processes to children is a positive challenge which the Committee finds States are increasingly responding to. Given that few States as yet have reduced the voting age below 18, there is all the more reason to ensure respect for the views of unenfranchised children in Government and parliament. If consultation is to be meaningful, documents as well as processes need to be made accessible. But appearing to "listen" to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights.

One-off or regular events like Children's Parliaments can be stimulating and raise general awareness. But article 12 requires consistent and ongoing arrangements. Involvement of and consultation with children must also avoid being tokenistic and aim to ascertain representative views. The emphasis on "matters that affect them" in article 12 (1) implies the ascertainment of the views of particular groups of children on particular issues - for example children who have experience of the juvenile justice system on proposals for law reform in that area, or adopted children and children in adoptive families on adoption law and policy. It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organizations (NGOs) or human rights institutions. In the early years of the Convention, NGOs had played a notable role in pioneering participatory approaches with children, but it is in the interests of both Governments and children to have appropriate direct contact.

II. REVIEW OF RESERVATIONS

13. In its reporting guidelines on general measures of implementation, the Committee starts by inviting the State party to indicate whether it considers it necessary to maintain the reservations it has made, if any, or has the intention of withdrawing them.[6] States parties to the

Convention are entitled to make reservations at the time of their ratification of or accession to it (art. 51). The Committee's aim of ensuring full and unqualified respect for the human rights of children can be achieved only if States withdraw their reservations. It consistently recommends during its examination of reports that reservations be reviewed and withdrawn. Where a State, after review, decides to maintain a reservation, the Committee requests that a full explanation be included in the next periodic report. The Committee draws the attention of States parties to the encouragement given by the World Conference on Human Rights to the review and withdrawal of reservations.[b]

14. Article 2 of the Vienna Convention on the Law of Treaties defines "reservation" as a "unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a Treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the Treaty in their application to that State". The Vienna Convention notes that States are entitled, at the time of ratification or accession to a treaty, to make a reservation unless it is "incompatible with the object and purpose of the treaty" (art. 19).

15. Article 51, paragraph 2, of the Convention on the Rights of the Child reflects this: "A reservation incompatible with the object and purpose of the present Convention shall not be permitted." The Committee is deeply concerned that some States have made reservations which plainly breach article 51 (2) by suggesting, for example, that respect for the Convention is limited by the State's existing Constitution or legislation, including in some cases religious law. Article 27 of the Vienna Convention on the Law of Treaties provides: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty."

16. The Committee notes that, in some cases, States parties have lodged formal objections to such wide-ranging reservations made by other States parties. It commends any action which contributes to ensuring the fullest possible respect for the Convention in all States parties.

III. RATIFICATION OF OTHER KEY INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

17. As part of its consideration of general measures of implementation, and in the light of the principles of indivisibility and interdependence of human rights, the Committee consistently urges States parties, if they have not already done so, to ratify the two Optional Protocols to the Convention on the Rights of the Child (on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography) and the six other major international human rights instruments. During its dialogue with States parties the Committee often encourages them to consider ratifying other relevant international instruments. A non-exhaustive list of these instruments is annexed to the present general comment, which the Committee will update from time to time.

IV. LEGISLATIVE MEASURES

18. The Committee believes a comprehensive review of all domestic legislation and related administrative guidance to ensure full compliance with the Convention is an obligation. Its experience in examining not only initial but now second and third periodic reports under the Convention suggests that the review process at the national level has, in most cases, been started, but needs to be more rigorous. The review needs to consider the Convention not only article by article, but also holistically, recognizing the interdependence and indivisibility of human rights.

The review needs to be continuous rather than one-off, reviewing proposed as well as existing legislation. And while it is important that this review process should be built into the machinery of all relevant government departments, it is also advantageous to have independent review by, for example, parliamentary committees and hearings, national human rights institutions, NGOs, academics, affected children and young people and others.

19. States parties need to ensure, by all appropriate means, that the provisions of the Convention are given legal effect within their domestic legal systems. This remains a challenge in many States parties. Of particular importance is the need to clarify the extent of applicability of the Convention in States where the principle of "self-execution" applies and others where it is claimed that the Convention "has constitutional status" or has been incorporated into domestic law.

20. The Committee welcomes the incorporation of the Convention into domestic law, which is the traditional approach to the implementation of international human rights instruments in some but not all States. Incorporation should mean that the provisions of the Convention can be directly invoked before the courts and applied by national authorities and that the Convention will prevail where there is a conflict with domestic legislation or common practice. Incorporation by itself does not avoid the need to ensure that all relevant domestic law, including any local or customary law, is brought into compliance with the Convention. In case of any conflict in legislation, predominance should always be given to the Convention, in the light of article 27 of the Vienna Convention on the Law of Treaties. Where a State delegates powers to legislate to federated regional or territorial governments, it must also require these subsidiary governments to legislate within the framework of the Convention and to ensure effective implementation (see also paragraphs 40 et seq. below).

21. Some States have suggested to the Committee that the inclusion in their Constitution of guarantees of rights for "everyone" is adequate to ensure respect for these rights for children. The test must be whether the applicable rights are truly realized for children and can be directly invoked before the courts. The Committee welcomes the inclusion of sections on the rights of the child in national constitutions, reflecting key principles in the Convention, which helps to underline the key message of the Convention - that children alongside adults are holders of human rights. But this inclusion does not automatically ensure respect for the rights of children. In order to promote the full implementation of these rights, including, where appropriate, the exercise of rights by children themselves, additional legislative and other measures may be necessary.

22. The Committee emphasizes, in particular, the importance of ensuring that domestic law reflects the identified general principles in the Convention (arts. 2, 3, 6 and 12 (see para. 12 above)). The Committee welcomes the development of consolidated children's rights statutes, which can highlight and emphasize the Convention's principles. But the Committee emphasizes that it is crucial in addition that all relevant "sectoral" laws (on education, health, justice and so on) reflect consistently the principles and standards of the Convention.

23. The Committee encourages all States parties to enact and implement within their jurisdiction legal provisions that are more conducive to the realization of the rights of the child than those contained in the Convention, in the light of article 41. The Committee emphasizes that the other international human rights instruments apply to all persons below the age of 18 years.

V. JUSTICIABILITY OF RIGHTS

24. For rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention and consistently referred to in the other six major international human rights treaties. Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-friendly information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance. Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39.

25. As noted in paragraph 6 above, the Committee emphasizes that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable. It is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective.

VI. ADMINISTRATIVE AND OTHER MEASURES

26. The Committee cannot prescribe in detail the measures which each or every State party will find appropriate to ensure effective implementation of the Convention. But from its first decade's experience of examining States parties' reports and from its ongoing dialogue with Governments and with the United Nations and United Nations-related agencies, NGOs and other competent bodies, it has distilled here some key advice for States.

27. The Committee believes that effective implementation of the Convention requires visible cross-sectoral coordination to recognize and realize children's rights across Government, between different levels of government and between Government and civil society - including in particular children and young people themselves. Invariably, many different government departments and other governmental or quasi-governmental bodies affect children's lives and children's enjoyment of their rights. Few, if any, government departments have no effect on children's lives, direct or indirect. Rigorous monitoring of implementation is required, which should be built into the process of government at all levels but also independent monitoring by national human rights institutions, NGOs and others.

A. Developing a comprehensive national strategy rooted in the Convention

28. If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention.

29. The Committee commends the development of a comprehensive national strategy or national plan of action for children, built on the framework of the Convention. The Committee expects States parties to take account of the recommendations in its concluding observations on their periodic reports when developing and/or reviewing their national strategies. If such a strategy is to be effective, it needs to relate to the situation of all children, and to all the rights in the Convention. It will need to be developed through a process of consultation, including with

children and young people and those living and working with them. As noted above (para. 12), meaningful consultation with children requires special child-sensitive materials and processes; it is not simply about extending to children access to adult processes.

30. Particular attention will need to be given to identifying and giving priority to marginalized and disadvantaged groups of children. The non-discrimination principle in the Convention requires that all the rights guaranteed by the Convention should be recognized for all children within the jurisdiction of States. As noted above (para. 12), the non-discrimination principle does not prevent the taking of special measures to diminish discrimination.

31. To give the strategy authority, it will need to be endorsed at the highest level of government. Also, it needs to be linked to national development planning and included in national budgeting; otherwise, the strategy may remain marginalized outside key decision-making processes.

32. The strategy must not be simply a list of good intentions; it must include a description of a sustainable process for realizing the rights of children throughout the State; it must go beyond statements of policy and principle, to set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children. The comprehensive national strategy may be elaborated in sectoral national plans of action - for example for education and health - setting out specific goals, targeted implementation measures and allocation of financial and human resources. The strategy will inevitably set priorities, but it must not neglect or dilute in any way the detailed obligations which States parties have accepted under the Convention. The strategy needs to be adequately resourced, in human and financial terms.

33. Developing a national strategy is not a one-off task. Once drafted the strategy will need to be widely disseminated throughout Government and to the public, including children (translated into child-friendly versions as well as into appropriate languages and forms). The strategy will need to include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

34. The "national plans of action" which States were encouraged to develop following the first World Summit for Children, held in 1990, were related to the particular commitments set by nations attending the Summit.[i] In 1993, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, called on States to integrate the Convention on the Rights of the Child into their national human rights action plans.[j]

35. The outcome document of the United Nations General Assembly special session on children, in 2002, also commits States "to develop or strengthen as a matter of urgency if possible by the end of 2003 national and, where appropriate, regional action plans with a set of specific time-bound and measurable goals and targets based on this plan of action ...".[k] The Committee welcomes the commitments made by States to achieve the goals and targets set at the special session on children and identified in the outcome document, A World Fit for Children. But the Committee emphasizes that making particular commitments at global meetings does not in any way reduce States parties' legal obligations under the Convention. Similarly, preparing

specific plans of action in response to the special session does not reduce the need for a comprehensive implementation strategy for the Convention. States should integrate their response to the 2002 special session and to other relevant global conferences into their overall implementation strategy for the Convention as a whole.

36. The outcome document also encourages States parties to "consider including in their reports to the Committee on the Rights of the Child information on measures taken and results achieved in the implementation of the present Plan of Action".[1] The Committee endorses this proposal; it is committed to monitoring progress towards meeting the commitments made at the special session and will provide further guidance in its revised guidelines for periodic reporting under the Convention.

B. Coordination of implementation of children's rights

37. In examining States parties' reports the Committee has almost invariably found it necessary to encourage further coordination of government to ensure effective implementation: coordination among central government departments, among different provinces and regions, between central and other levels of government and between Government and civil society. The purpose of coordination is to ensure respect for all of the Convention's principles and standards for all children within the State jurisdiction; to ensure that the obligations inherent in ratification of or accession to the Convention are not only recognized by those large departments which have a substantial impact on children - education, health or welfare and so on - but right across Government, including for example departments concerned with finance, planning, employment and defence, and at all levels.

38. The Committee believes that, as a treaty body, it is not advisable for it to attempt to prescribe detailed arrangements appropriate for very different systems of government across States parties. There are many formal and informal ways of achieving effective coordination, including for example inter-ministerial and interdepartmental committees for children. The Committee proposes that States parties, if they have not already done so, should review the machinery of government from the perspective of implementation of the Convention and in particular of the four articles identified as providing general principles (see paragraph 12 above).

39. Many States parties have with advantage developed a specific department or unit close to the heart of Government, in some cases in the President's or Prime Minister's or Cabinet office, with the objective of coordinating implementation and children's policy. As noted above, the actions of virtually all government departments impact on children's lives. It is not practicable to bring responsibility for all children's services together into a single department, and in any case doing so could have the danger of further marginalizing children in Government. But a special unit, if given high-level authority - reporting directly, for example, to the Prime Minister, the President or a Cabinet Committee on children - can contribute both to the overall purpose of making children more visible in Government and to coordination to ensure respect for children's rights across Government and at all levels of Government. Such a unit can be given responsibility for developing the comprehensive children's strategy and monitoring its implementation, as well as for coordinating reporting under the Convention.

C. Decentralization, federalization and delegation

40. The Committee has found it necessary to emphasize to many States that decentralization of power, through devolution and delegation of government, does not in any way reduce the direct responsibility of the State party's Government to fulfil its obligations to all children within its jurisdiction, regardless of the State structure.

41. The Committee reiterates that in all circumstances the State which ratified or acceded to the Convention remains responsible for ensuring the full implementation of the Convention throughout the territories under its jurisdiction. In any process of devolution, States parties have to make sure that the devolved authorities do have the necessary financial, human and other resources effectively to discharge responsibilities for the implementation of the Convention. The Governments of States parties must retain powers to require full compliance with the Convention by devolved administrations or local authorities and must establish permanent monitoring mechanisms to ensure that the Convention is respected and applied for all children within its jurisdiction without discrimination. Further, there must be safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions.

D. Privatization

42. The process of privatization of services can have a serious impact on the recognition and realization of children's rights. The Committee devoted its 2002 day of general discussion to the theme "The private sector as service provider and its role in implementing child rights", defining the private sector as including businesses, NGOs and other private associations, both for profit and not-for-profit. Following that day of general discussion, the Committee adopted detailed recommendations to which it draws the attention of States parties.[m]

43. The Committee emphasizes that States parties to the Convention have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-State service providers operate in accordance with its provisions, thus creating indirect obligations on such actors.

44. The Committee emphasizes that enabling the private sector to provide services, run institutions and so on does not in any way lessen the State's obligation to ensure for all children within its jurisdiction the full recognition and realization of all rights in the Convention (arts. 2 (1) and 3 (2)). Article 3 (1) establishes that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private bodies. Article 3 (3) requires the establishment of appropriate standards by competent bodies (bodies with the appropriate legal competence), in particular, in the areas of health, and with regard to the number and suitability of staff. This requires rigorous inspection to ensure compliance with the Convention. The Committee proposes that there should be a permanent monitoring mechanism or process aimed at ensuring that all State and non-State service providers respect the Convention.

E. Monitoring implementation - the need for child impact impact assessment and evaluation

45. Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.

46. Self-monitoring and evaluation is an obligation for Governments. But the Committee also regards as essential the independent monitoring of progress towards implementation by, for example, parliamentary committees, NGOs, academic institutions, professional associations, youth groups and independent human rights institutions (see paragraph 65 below).

47. The Committee commends certain States which have adopted legislation requiring the preparation and presentation to parliament and/or the public of formal impact analysis statements. Every State should consider how it can ensure compliance with article 3 (1) and do so in a way which further promotes the visible integration of children in policy-making and sensitivity to their rights.

F. Data collection and analysis and development of indicators

48. Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation. The Committee reminds States parties that data collection needs to extend over the whole period of childhood, up to the age of 18 years. It also needs to be coordinated throughout the jurisdiction, ensuring nationally applicable indicators. States should collaborate with appropriate research institutes and aim to build up a complete picture of progress towards implementation, with qualitative as well as quantitative studies. The reporting guidelines for periodic reports call for detailed disaggregated statistical and other information covering all areas of the Convention. It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires the development of indicators related to all rights guaranteed by the Convention.

49. The Committee commends States parties which have introduced annual publication of comprehensive reports on the state of children's rights throughout their jurisdiction. Publication and wide dissemination of and debate on such reports, including in parliament, can provide a focus for broad public engagement in implementation. Translations, including child-friendly versions, are essential for engaging children and minority groups in the process.

50. The Committee emphasizes that, in many cases, only children themselves are in a position to indicate whether their rights are being fully recognized and realized. Interviewing children and using children as researchers (with appropriate safeguards) is likely to be an important way of finding out, for example, to what extent their civil rights, including the crucial right set out in article 12, to have their views heard and given due consideration, are respected within the family, in schools and so on.

G. Making children visible in budgets

51. In its reporting guidelines and in the consideration of States parties' reports, the Committee has paid much attention to the identification and analysis of resources for children in national and other budgets.[a] No State can tell whether it is fulfilling children's economic, social and cultural rights "to the maximum extent of … available resources", as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly. Some States have claimed it is not possible to analyse national budgets in this way. But others have done it and publish annual "children's budgets". The Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of children as a primary consideration and that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of economic policies or financial downturns.

52. Emphasizing that economic policies are never neutral in their effect on children's rights, the Committee has been deeply concerned by the often negative effects on children of structural adjustment programmes and transition to a market economy. The implementation duties of article 4 and other provisions of the Convention demand rigorous monitoring of the effects of such changes and adjustment of policies to protect children's economic, social and cultural rights.

H. Training and capacity-building

53. The Committee emphasizes States' obligation to develop training and capacity-building for all those involved in the implementation process - government officials, parliamentarians and members of the judiciary - and for all those working with and for children. These include, for example, community and religious leaders, teachers, social workers and other professionals, including those working with children in institutions and places of detention, the police and armed forces, including peacekeeping forces, those working in the media and many others. Training needs to be systematic and ongoing - initial training and retraining. The purpose of training is to emphasize the status of the child as a holder of human rights, to increase knowledge and understanding of the Convention and to encourage active respect for all its provisions. The Committee expects to see the Convention reflected in professional training curricula, codes of conduct and educational curricula at all levels. Understanding and knowledge of human rights must, of course, be promoted among children themselves, through the school curriculum and in other ways (see also paragraph 69 below and the Committee's general comment No. 1 (2001) on the aims of education).

54. The Committee's guidelines for periodic reports mention many aspects of training, including specialist training, which are essential if all children are to enjoy their rights. The Convention highlights the importance of the family in its preamble and in many articles. It is particularly important that the promotion of children's rights should be integrated into preparation for parenthood and parenting education.

55. There should be periodic evaluation of the effectiveness of training, reviewing not only knowledge of the Convention and its provisions but also the extent to which it has contributed to developing attitudes and practice which actively promote enjoyment by children of their rights.

I. Cooperation with civil society

56. Implementation is an obligation for States parties, but needs to engage all sectors of society, including children themselves. The Committee recognizes that responsibilities to respect and ensure the rights of children extend in practice beyond the State and State-controlled services and institutions to include children, parents and wider families, other adults, and non-State services and organizations. The Committee concurs, for example, with general comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health, paragraph 42, of which states: "While only States are parties to the Covenant and thus ultimately accountable for compliance with it, all members of society - individuals, including health professionals, families, local communities, intergovernmental and non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities regarding the realization of the right to health. States parties should therefore provide an environment which facilitates the discharge of these responsibilities."

57. Article 12 of the Convention, as already emphasized (see paragraph 12 above), requires due weight to be given to children's views in all matters affecting them, which plainly includes implementation of "their" Convention.

58. The State needs to work closely with NGOs in the widest sense, while respecting their autonomy; these include, for example, human rights NGOs, child- and youth-led organizations and youth groups, parent and family groups, faith groups, academic institutions and professional associations. NGOs played a crucial part in the drafting of the Convention and their involvement in the process of implementation is vital.

59. The Committee welcomes the development of NGO coalitions and alliances committed to promoting, protecting and monitoring children's human rights and urges Governments to give them non-directive support and to develop positive formal as well as informal relationships with them. The engagement of NGOs in the reporting process under the Convention, coming within the definition of "competent bodies" under article 45 (a), has in many cases given a real impetus to the process of implementation as well as reporting. The NGO Group for the Convention on the Rights of the Child has a very welcome, strong and supportive impact on the reporting process and other aspects of the Committee's work. The Committee underlines in its reporting guidelines that the process of preparing a report "should encourage and facilitate popular participation and public scrutiny of government policies".[o] The media can be valuable partners in the process of implementation (see also paragraph 70).

J. International cooperation

60. Article 4 emphasizes that implementation of the Convention is a cooperative exercise for the States of the world. This article and others in the Convention highlight the need for international cooperation.[p] The Charter of the United Nations (Arts. 55 and 56) identifies the overall purposes of international economic and social cooperation, and members pledge themselves under the Charter "to take joint and separate action in cooperation with the Organization" to achieve these purposes. In the United Nations Millennium Declaration and at other global meetings, including the United Nations General Assembly special session on children, States have pledged themselves, in particular, to international cooperation to eliminate poverty.

61. The Committee advises States parties that the Convention should form the framework for international development assistance related directly or indirectly to children and that programmes of donor States should be rights-based. The Committee urges States to meet internationally agreed targets, including the United Nations target for international development assistance of 0.7 per cent of gross domestic product. This goal was reiterated along with other targets in the Monterrey Consensus, arising from the 2002 International Conference on Financing for Development.[9] The Committee encourages States parties that receive international aid and assistance to allocate a substantive part of that aid specifically to children. The Committee expects States parties to be able to identify on a yearly basis the amount and proportion of international support earmarked for the implementation of children's rights.

62. The Committee endorses the aims of the 20/20 initiative, to achieve universal access to basic social services of good quality on a sustainable basis, as a shared responsibility of developing and donor States. The Committee notes that international meetings held to review progress have concluded that many States are going to have difficulty meeting fundamental economic and social rights unless additional resources are allocated and efficiency in resource allocation is increased. The Committee takes note of and encourages efforts being made to reduce poverty in the most heavily indebted countries through the Poverty Reduction Strategy Paper (PRSP). As the central, country-led strategy for achieving the millennium development goals, PRSPs must include a strong focus on children's rights. The Committee urges Governments, donors and civil society to ensure that children are a prominent priority in the development of PRSPs and sectorwide approaches to development (SWAps). Both PRSPs and SWAps should reflect children's rights principles, with a holistic, child-centred approach recognizing children as holders of rights and the incorporation of development goals and objectives which are relevant to children.

63. The Committee encourages States to provide and to use, as appropriate, technical assistance in the process of implementing the Convention. The United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR) and other United Nations and United Nations related agencies can provide technical assistance with many aspects of implementation. States parties are encouraged to identify their interest in technical assistance in their reports under the Convention.

64. In their promotion of international cooperation and technical assistance, all United Nations and United Nations-related agencies should be guided by the Convention and should mainstream children's rights throughout their activities. They should seek to ensure within their influence that international cooperation is targeted at supporting States to fulfil their obligations under the Convention. Similarly the World Bank Group, the International Monetary Fund and World Trade Organization should ensure that their activities related to international cooperation and economic development give primary consideration to the best interests of children and promote full implementation of the Convention.

K. Independent human rights institutions

65. In its general comment No. 2 (2002) entitled "The role of independent national human rights institutions in the protection and promotion of the rights of the child", the Committee notes that it "considers the establishment of such bodies to fall within the commitment made by

States parties upon ratification to ensure the implementation of the Convention and advance the universal realization of children's rights". Independent human rights institutions are complementary to effective government structures for children; the essential element is independence: "The role of national human rights institutions is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights. While this may require the institution to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution. It is essential that institutions remain entirely free to set their own agenda and determine their own activities."[7] General comment No. 2 provides detailed guidance on the establishment and operation of independent human rights institutions for children.

Article 42: Making the Convention known to adults and children

> "States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

66. Individuals need to know what their rights are. Traditionally in most, if not all, societies children have not been regarded as rights holders. So article 42 acquires a particular importance. If the adults around children, their parents and other family members, teachers and carers do not understand the implications of the Convention, and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children.

67. The Committee proposes that States should develop a comprehensive strategy for disseminating knowledge of the Convention throughout society. This should include information on those bodies - governmental and independent - involved in implementation and monitoring and on how to contact them. At the most basic level, the text of the Convention needs to be made widely available in all languages (and the Committee commends the collection of official and unofficial translations of the Convention made by OHCHR. There needs to be a strategy for dissemination of the Convention among illiterate people. UNICEF and NGOs in many States have developed child-friendly versions of the Convention for children of various ages - a process the Committee welcomes and encourages; these should also inform children of sources of help and advice.

68. Children need to acquire knowledge of their rights and the Committee places special emphasis on incorporating learning about the Convention and human rights in general into the school curriculum at all stages. The Committee's general comment No. 1 (2001) entitled "The aims of education" (art. 29, para. 1), should be read in conjunction with this. Article 29, paragraph 1, requires that the education of the child shall be directed to "… the development of respect for human rights and fundamental freedoms … ". The general comment underlines: "Human rights education should provide information on the content of human rights treaties. But children should also learn about human rights by seeing human rights standards implemented in practice whether at home, in school or within the community. Human rights education should be a comprehensive, lifelong process and start with the reflection of human rights values in the daily life and experiences of children."[8]

69. Similarly, learning about the Convention needs to be integrated into the initial and in service training of all those working with and for children (see paragraph 53 above). The Committee reminds States parties of the recommendations it made following its meeting on general measures of implementation held to commemorate the tenth anniversary of adoption of the Convention, in which it recalled that "dissemination and awareness-raising about the rights of the child are most effective when conceived as a process of social change, of interaction and dialogue rather than lecturing. Raising awareness should involve all sectors of society, including children and young people. Children, including adolescents, have the right to participate in raising awareness about their rights to the maximum extent of their evolving capacities".[t]

> "The Committee recommends that all efforts to provide training on the rights of the child be practical, systematic and integrated into regular professional training in order to maximize its impact and sustainability. Human rights training should use participatory methods, and equip professionals with skills and attitudes that enable them to interact with children and young people in a manner that respects their rights, dignity and self-respect."[u]

70. The media can play a crucial role in the dissemination of the Convention and knowledge and understanding of it and the Committee encourages their voluntary engagement in the process, which may be stimulated by governments and by NGOs.[v]

Article 44 (6): Making reports under the Convention widely available

> "... States Parties shall make their reports widely available to the public in their own countries."

71. If reporting under the Convention is to play the important part it should in the process of implementation at the national level, it needs to be known about by adults and children throughout the State party. The reporting process provides a unique form of international accountability for how States treat children and their rights. But unless reports are disseminated and constructively debated at the national level, the process is unlikely to have substantial impact on children's lives.

72. The Convention explicitly requires States to make their reports widely available to the public; this should be done when they are submitted to the Committee. Reports should be made genuinely accessible, for example through translation into all languages, into appropriate forms for children and for people with disabilities and so on. The Internet may greatly aid dissemination, and Governments and parliaments are strongly urged to place such reports on their web sites.

73. The Committee urges States to make all the other documentation of the examination of their reports under the Convention widely available to promote constructive debate and inform the process of implementation at all levels. In particular, the Committee's concluding observations should be disseminated to the public including children and should be the subject of detailed debate in parliament. Independent human rights institutions and NGOs can play a crucial role in helping to ensure widespread debate. The summary records of the examination of government representatives by the Committee aid understanding of the process and of the Committee's requirements and should also be made available and discussed.

Notes

[a] The Committee reminds States parties that, for the purposes of the Convention, a child is defined as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" (art. 1).

[b] In 1999, the Committee on the Rights of the Child held a two-day workshop to commemorate the tenth anniversary of adoption of the Convention on the Rights of the Child by the United Nations General Assembly. The workshop focused on general measures of implementation following which the Committee adopted detailed conclusions and recommendations (see CRC/C/90, para. 291).

[c] General guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a) of the Convention, CRC/C/5, 15 October 1991; general guidelines regarding the form and contents of periodic reports to be submitted under article 44, paragraph 1 (b) of the Convention on the Rights of the Child, CRC/C/58, 20 November 1996.

[d] Human Rights Committee, general comment No. 3 (thirteenth session, 1981), *Article 2: Implementation at the national level*; Committee on Economic, Social and Cultural Rights, general comment No. 3 (fifth session, 1990), *The nature of States parties' obligations (article 2, paragraph 1, of the Covenant)*; also general comment No. 9 (nineteenth session, 1998), *The domestic application of the Covenant*, elaborating further on certain elements in general comment No. 3. A compendium of the treaty bodies' general comments and recommendations is published regularly by the Office of the High Commissioner for Human Rights (HRI/GEN/1/Rev.6).

[e] General comment No. 3, HRI/GEN/1/Rev.6, para. 11, p. 16.

[f] Human Rights Committee, general comment No. 18 (1989), HRI/GEN/1/Rev.6, pp. 147 et seq.

[g] General guidelines regarding the form and contents of periodic reports to be submitted under article 44, paragraph 1 (b) of the Convention on the Rights of the Child, CRC/C/58, 20 November 1996, para. 11.

[h] World Conference on Human Rights, Vienna, 14-25 June 1993, "Vienna Declaration and Programme of Action", A/CONF.157/23.

[i] World Summit for Children, "World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s", CF/WSC/1990/WS-001, United Nations, New York, 30 September 1990.

[j] World Conference on Human Rights, Vienna, 14-25 June 1993, "Vienna Declaration and Programme of Action", A/CONF.157/23.

[k] *A World Fit for Children*, outcome document of the United Nations General Assembly special session on children, 2002, para. 59.

[l] Ibid., para. 61 (a).

[m] Committee on the Rights of the Child, Report on its thirty-first session, September-October 2002, Day of General Discussion on "The private sector as service provider and its role in implementing child rights", paras. 630-653.

[n] General guidelines regarding the form and contents of periodic reports to be submitted under article 44, paragraph 1 (b), of the Convention on the Rights of the Child, CRC/C/58, 20 November 1996, para. 20.

[o] Ibid., para. 3.

[p] The following articles of the Convention relate to international cooperation explicitly: articles 7 (2); 11 (2); 17 (b); 21 (e); 22 (2); 23 (4); 24 (4); 27 (4); 28 (3); 34 and 35.

[q] Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002 (A/Conf.198/11).

[r] HRI/GEN/1/Rev. 6, para. 25, p. 295

[s] Ibid., para. 15, p. 286.

[t] See CRC/C/90, para. 291 (k).

[u] Ibid., para. 291 (l).

[v] The Committee held a day of general discussion on the theme "The child and the media" in 1996, adopting detailed recommendations (see CRC/C/57, paras. 242 et seq.).

Appendix

RATIFICATION OF OTHER KEY INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

As noted in paragraph 17 of the present general comment, the Committee on the Rights of the Child, as part of its consideration of general measures of implementation, and in the light of the principles of indivisibility and interdependence of human rights, consistently urges States parties, if they have not already done so, to ratify the two Optional Protocols to the Convention on the Rights of the Child (on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography) and the six other major international human rights instruments. During its dialogue with States parties the Committee often encourages them to consider ratifying other relevant international instruments. A non-exhaustive list of these instruments follows. The Committee will update this from time to time.

- Optional Protocol to the International Covenant on Civil and Political Rights;
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention against Discrimination in Education;
- ILO Forced Labour Convention, 1930 (No. 29);
- ILO Abolition of Forced Labour Convention, 1957 (No. 105);
- ILO Minimum Age Convention, 1973 (No. 138);
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
- ILO Maternity Protection Convention, 2000 (No. 183);

Convention relating to the Status of Refugees of 1951, as amended by the Protocol relating to the Status of Refugees of 1967;

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949);
- Slavery Convention (1926);
- Protocol amending the Slavery Convention (1953);

- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000);
- Geneva Convention relative to the Protection of Civilians in Time of War;
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II);
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997);
- Rome Statute of the International Criminal Court;
- The Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in respect of Intercountry Adoption;
- The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction;
- The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children of 1996.
